THE CODE OF THE CITY
OF
SAVANNAH, GEORGIA
1958

The Charter and Related Laws and General Ordinances of the City

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ENACTED AS A WHOLE, JANUARY 31, 1958
EFFECTIVE, MAY 1, 1958

PUBLISHED BY ORDER OF THE MAYOR
AND ALDERMEN

MICHIE CITY PUBLICATIONS COMPANY
CHARLOTTESVILLE, VIRGINIA
1958

The Mayor and Aldermen of the City of Savannah

HON. W. LEE MINGLEDORFF, JR.
Mayor

HON. ELLISON RICHARDS COOK, III, M. C.
Mayor Pro Tempore

Aldermen

HENRY B. BRENNAN
C. HAROLD CARTER
ELLISON RICHARDS COOK, III
MARION L. DEWITT
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KAYTON SMITH

Preface

This volume constitutes the first revision and codification of the general ordinances of the City of Savannah since 1945. It contains such of the ordinances of a general and permanent nature passed on or before the fourth day of January, 1957, as were found desirable for retention, except those expressly saved from repeal by the Adopting Ordinance. The volume also contains in Title 1, such of the Special Acts of the Legislature relating to the City of Savannah as the City Officials felt of sufficient general interest and importance to warrant inclusion herein.

The ordinances were codified, edited and indexed by the Editorial Staff of the Michie City Publications Company of Charlottesville, Virginia, under the supervision of Chas. W. Sublett, David W. Parrish, Jr., and Robert D. Ussery. Recognition is due Mrs. Robert Cameron of the publisher's secretarial staff for her very able work during the preparation of this publication.

The publishers wish to express their appreciation to Mr. Edwin Maner, Jr., City Attorney; Mr. Grady Dickey and Mr. Malcolm Maclean, Assistant City Attorneys; and to Mr. Frank Jacocks, City Manager, for their assistance and cooperation during the progress of the work.

A special feature to which the attention of the user is directed is the arrangement of the titles in alphabetical order. Special attention is also directed to the analysis preceding each chapter, which in many instances will serve as an index within itself. The general index, carried at the end of the Code, has been carefully prepared, and should serve as an accurate medium for locating within the Code the individual section of municipal law carried herein. In the footnotes, which appear throughout the Code, will be found references to the state law and cross references to other related provisions in the Code itself. By reference to the historical citation, appearing at the end of each section, the user will be able to ascertain the ordinance from which the present section has been derived. The absence of such a citation indicates that the section is new with this Code.

It is now a recognized fact that if any city code is to accomplish its intended purpose it must be kept up to date by means of an adequate supplemental service. Accordingly, the publishers point out the advisability and the necessity of keeping this present Code current by means of a supplemental service.

The new City Code is presented to the officials and citizens of the City of Savannah in the belief that it will merit their approval.

MICHIE CITY PUBLICATIONS COMPANY

Adoption of Code

An ordinance adopting a codification and revision of the ordinances of the City of Savannah, Georgia; providing for the repeal of certain ordinances; excepting from repeal certain ordinances; and preserving all rights under repealed ordinances accruing prior to the effective date of their repeal.

WHEREAS, The Mayor and Aldermen of the City of Savannah have caused its ordinances of a general and permanent nature to be codified and revised and the same are embodied in a revision thereof known as "The Code of the City of Savannah, 1958";

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH, GEORGIA, THAT:

Section 1. The ordinances of the City of Savannah, Georgia, of a general and permanent nature, as codified in the following Titles, namely, Titles 2 through 38, are ordained as general ordinances and are adopted as "The Code of the City of Savannah, 1958".

Section 2. All provisions of "The Code of the City of Savannah, 1958", shall be in force and effect on and after the 1st day of May, 1958, and all ordinances of a general and permanent nature adopted by the Mayor and Aldermen of the City of Savannah, on or before January 4, 1957, are hereby repealed from and after the 1st day of May, 1958, except as hereinafter provided.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the 1st day of May, 1958; nor shall such repeal affect any ordinance promising or guaranteeing the payment of money for the City of Savannah or authorizing the issuance of bonds of the City's indebtedness, or any contract or obligation assumed by the City; nor shall said repeal affect the administrative ordinances of the City not in conflict or inconsistent with the provisions of "The Code of the City of Savannah, 1958"; nor shall it affect any annexation ordinance; nor shall it affect any appropriation ordinance; nor shall it affect the annual revenue and licensing ordinance; nor shall it affect any ordinance fixing the salaries of city officers and employees; nor shall it affect any ordi-

nance relating to sick leave and military leave for City officers and employees; nor shall it affect any ordinance relating to the sale of property for ground rent; nor shall it affect any prosecution, suit or other proceeding pending or any judgment rendered on or before the 1st day of May, 1958; nor shall it affect any ordinance adopted by the city after the fourth day of January, 1957.

Ordinance passed in council February 14, 1958.

W. L. MINGLEDORFF, JR.
Mayor

ATTEST:

KATHERINE S. REDMOND
Clerk of Council

Verification

Now comes the Clerk of Council of the Mayor and Aldermen of the City of Savannah and does hereby certify that the within book and Code contains the true and correct laws and ordinances of the Mayor and Aldermen of the City of Savannah as shown in the Adopting Ordinance herein recited.

KATHERINE S. REDMOND
Clerk of Council

Table of Contents

TITLE	PAGE
1. Charter and Related Laws	1
2. General Provisions	255
3. Administration	261
4. Advertising	292
5. Alcoholic Beverages	299
6. Animals and Fowl	306
7. Armstrong College	313
8. Aviation	314
9. Buildings	316
10. Cemeteries	327
11. Contracts and Purchases	342
12. Day Nurseries and Kindergartens	346
13. Electricity	348
14. Fire Protection	380
15. Food and Food Establishments	395
16. Foster Homes	413
17. Garbage and Trash	417
18. Harbor and Port of Savannah	421
19. Housing	433
20. Junk and Secondhand Goods	450
21. Milk and Milk Products	458
22. Motor Vehicles and Traffic	463
23. Noise	508
24. Offenses—Miscellaneous	510
25. Pawnbrokers	523
26. Plumbing	528
27. Police	576
28. Public Amusements	581
29. Public Health and Sanitation	591
30. Streets and Sidewalks	602
31. Subdivisions	623
32. Taxation	626
33. Taxicabs and Other Vehicles for Hire	642
34. Tourist Camps, Roadhouses and Similar Places	654
35. Trailer Lots, Camps and Parks	659
36. Transient Traders	663
37. Water, Sewers and Sewage Disposal	666
38. Zoning	687
Index	747

Savannah City Code

TITLE 1.

Charter and Related Laws.

Editor's note.—This title consists of Special Acts of the Legislature applicable to the City of Savannah. These Acts have been rearranged and catchlined by the editors, but, unless indicated to the contrary, no substantive changes have been made.

It should be pointed out that this title is not intended to be a complete compilation of the Special Acts applicable to Savannah. This title includes only those Acts which, in the opinion of the city officials, are of sufficient current or historical interest and importance to warrant inclusion herein.

Chap.

1-1. General Provisions, §§ 1-101 to 1-143.
1-2. Administration, §§ 1-201 to 1-230.
1-3. Armstrong College, §§ 1-301 to 1-313.
1-4. Civil Service, §§ 1-401 to 1-424.
1-5. Courts, §§ 1-501 to 1-5129.
1-6. Education, §§ 1-601 to 1-623.
1-7. Elections, §§ 1-701 to 1-746.
1-8. Ellis Square, §§ 1-801 to 1-805.
1-9. Ferries, §§ 1-901 to 1-904.
1-10. Garbage and Sewerage Charges, §§ 1-1001 to 1-1010.
1-11. Motor Vehicles and Traffic, §§ 1-1101, 1-1102.
1-12. Municipal Airports, §§ 1-1201 to 1-1221.
1-13. Parks and Recreation, §§ 1-1301 to 1-1340.
1-14. Party Walls, §§ 1-1401 to 1-1404.
1-15. Pensions.
1-16. Planning and Zoning, §§ 1-1601 to 1-1629.
1-17. Public Health and Sanitation, §§ 1-1701 to 1-1705.
1-18. Savannah-Chatham County Historic Site and Monument Commission, §§ 1-1801 to 1-1813.
1-19. Savannah District Authority, §§ 1-1901 to 1-1924.
1-20. Savannah River Bridge Commission, §§ 1-2001 to 1-2007.
1-21. Sewers, §§ 1-2101 to 1-2114.
1-22. Streets and Sidewalks, §§ 1-2201 to 1-2242.
1-23. Subdivisions, §§ 1-2301 to 1-2305.
1-24. Taxation, §§ 1-2401 to 1-2411.
1-25. Water, §§ 1-2501 to 1-2518.

Chapter 1-1. General Provisions.

§ 1-101. Construction of Acts.
§ 1-102. Corporate limits of city—Defined.
§ 1-103. Same—Territory excluded.
§ 1-104. Same—Extended—Generally.
§ 1-105. Same—Same—Dedication of streets.
§ 1-106. Police district.
§ 1-107. Harbor lines, etc.
§ 1-108. Jurisdiction over vessels and crews in Savannah River.
§ 1-109. Town common—Generally.
§ 1-110. Same—Sale of certain lots confirmed.
§ 1-111. General power of condemnation.
§ 1-112. Acquisition of land outside corporate limits—Authority.
§ 1-113. Same—Ordinance required.
§ 1-114. Contracts for care of cemetery lots.
§ 1-115. City market generally.
§ 1-116. Open-air market.
§ 1-117. Farmers' wholesale market at Franklin Square.
§ 1-118. Municipal abattoir.
§ 1-119. Municipal electric plant.
§ 1-120. Rights in Wharf Head transferred to city.
§ 1-121. Control, repair, etc., of wharves generally.
§ 1-122. Municipal wharves, docks, etc.
§ 1-123. Fire protection generally.
§ 1-124. Extinguishment of fires beyond city limits.
§ 1-125. Fire marshal—Appointment; general duties.
§ 1-126. Same—Power to subpoena witnesses and make arrests.
§ 1-127. Same—Investigation of fires in Chatham County.
§ 1-128. Same—Use of policemen.
§ 1-129. Same—Laws for government of office.
§ 1-130. Same—Authority to combine with other city office; remuneration.
§ 1-131. Police protection.
§ 1-132. Garbage collection.
§ 1-133. Regulation of small loans.
§ 1-134. Regulation of fares charged by for-hire vehicles.
§ 1-135. Records of timber and lumber inspectors; disclosures to be made to purchasers of timber.
§ 1-136. Authority to grant certain rights to cotton exchange.
§ 1-137. Appropriations for advertising city.
§ 1-138. Contracts with and contributions to fair associations.
§ 1-139. Appropriations for charity generally.
§ 1-140. Appropriations to hospitals receiving charity patients.

§ 1-141. Work houses and treadmills; convict labor generally.
§ 1-142. Persons sentenced to labor to be turned over to Mayor and Aldermen.
§ 1-143. Convicts may be sentenced to county chain gang.

Sec. 1-101. Construction of Acts.

As often as any doubts arise in the construction of this Act or any Act heretofore passed touching the City of Savannah, the same shall in all courts of law and equity and elsewhere, be construed and taken most favorably for said corporation. (Ga. L. 1849-50, p. 83, § 9.)

Sec. 1-102. Corporate limits of city—Defined.

The corporate limits of the City of Savannah are and shall continue to be defined as follows:

Beginning at the extreme eastern point of the island in the Savannah River, known as Hutchinson's Island, and running thence southwestwardly to a point on the old bank of the Savannah River twenty-five hundred (2500) feet east of the western side of Bilbo Canal; thence southwardly at right angles to the old river bank three hundred (300) feet; thence westwardly parallel to the old bank of the Savannah River three hundred (300) feet distance therefrom to the eastern bank of the Bilbo Canal; thence along the eastern bank of Bilbo Canal southwardly to its intersection with the southern line of the right of way of the Central of Georgia Railway (formerly Tybee Division); thence eastwardly along the southern line of the Central of Georgia Railway (formerly Tybee Division) to the eastern line of Pennsylvania Avenue; thence southwardly along the eastern line of Pennsylvania Avenue to the northern line of the northernmost Jones Street; thence eastwardly along the northern line of said Jones Street and Jones Street produced until it intersects the eastern line of Laurel Street, if produced; thence southwardly along the eastern line of Laurel Street produced and said eastern line of Laurel Street to the southern line of Bolton Street; thence westwardly along the southern line of Bolton Street to the eastern line of Georgia Avenue; thence southwardly along the eastern line of Georgia Avenue to the southern line of the Bonaventure Road; thence eastwardly along the southern line of Bonaventure Road to the western line of Levy Avenue; thence southwardly along the western line of Levy Avenue to the northern line of Victory Drive; thence westwardly along the

northern line of Victory Drive to a point opposite lot 108 of the Olympus Subdivision and the eastern side of an unnamed produced Street; thence southwardly along the eastern side of said unnamed Street until side of eastern line produced intersects the western line of the right of way of the Casey Canal; thence southwardly along the meanderings of the western line of the right of way of the Casey Canal to the southern line of Parnell Street; thence westwardly along the southern line of Parnell Street to the eastern line of Waters Avenue; thence westwardly to the northeastern corner of Old Farm Lot 4 (First Tything, Anson Ward); thence westwardly along the northern line of old Farm lots 4, 3, 2, 1 (First Tything, Anson Ward), and the southern line of the Hussars Tract to the eastern line of Montgomery Street; thence southwardly along the eastern line of Montgomery Street to a point of intersection of the southern line of 63rd Street produced from the west; thence westwardly along the southern line of 63rd Street to the western line of Middleground Road; thence northwardly along the meanderings of the western line of Middleground Road to the eastern side of Montgomery Street; thence northwardly along the eastern side of Montgomery Street to the southern line of 52nd Street; thence westwardly along the southern line of 52nd Street to the western line of Hopkins Street; thence northwardly along the western line of Hopkins Street to the southern line of Victory Drive West; thence westwardly along the southern line of Victory Drive West to western line of Ogeechee Road; thence northeastwardly along the western line of Ogeechee Road to the southern line of Laurel Grove Cemetery; thence westwardly along the southern line of Laurel Grove Cemetery to the eastern right of way line of the Springfield Canal; thence northwardly along the eastern right of way line of the Union Station "Y"; thence westwardly along the northern line of Union Station right of way to its intersection with the eastern line of the right of way of the Seaboard Air Line; thence northwardly along the eastern line of the right of way of the Seaboard Air Line to the southern line of Gwinnett Street; thence westwardly along Gwinnett Street to its intersection with the eastern line of Old Farm Lot No. 1 (Sloper Tything, Percival Ward); thence northwardly along the line of Old Farm Lot No. 1 and Garden Lots 94, 96 and 90 to the northern line of Louisville Road; thence westwardly along the northern line of Louisville Road to a point on the western line of West Savannah produced; thence northwardly along the western line of West Savannah produced to a point where the southern line of the property of the Frances Bartow Housing Project, if produced, would intersect; thence westwardly along said projection and the southern line of the Frances Bartow Place to the eastern side of Lathrop Avenue West; thence northwardly along the eastern line of Lathrop Avenue to the southern line of Bay Street; thence westwardly along the southern line of Bay Street to its intersection with the old Augusta Road and the present paved Road known as the Port Wentworth Road; thence northwardly across Bay Street to the northern line of Bay Street; thence eastwardly along the northern line of Bay Street to the eastern line of Lathrop Avenue West; thence northwardly along the eastern line of Lathrop Avenue West to the southern line of railroad right of way at McKenna Street; thence eastwardly along the southern line of said right of way to the western line of Lathrop Avenue East; thence south along the western line of Lathrop Avenue east to the northern line of Bay Street approximately eleven hundred (1100) feet to a point in the Central of Georgia yards; thence northwardly in the Central of Georgia yards to a point three hundred (300) feet from the old bank of the Savannah River and thirteen hundred (1300) feet west of the western side of the ship slip of the Ocean Steamship Company at the mouth of the old Musgrove Creek; thence westwardly along a line three hundred (300) feet from and parallel to the old bank of the Savannah River a distance of twenty-five hundred (2500) feet to a point; thence northwardly and at right angles to the old River bank to the northern bank of the Savannah River and the southern line of Hutchinson's Island; thence along the meandering of the southern line of Hutchinson's Island to a point approximately opposite East Broad Street; thence northeastwardly along the southern line of Hutchinson's Island and the northern side of an old Creek on the north side of Fig Island to the extreme eastern point of Hutchinson's Island and the point of beginning. (Ga. L. 1853-54, p. 267, § 1; 1898, p. 254, § 1; Ga. L. 1882-83, p. 410, § 1; Ga. L. 1890-91, Vol. II, p. 592, § 1; Ga. L. 1901, p. 628, § 1; Ga. L. 1912, p. 1242, § 4; Ga. L. 1914, p. 1178, § 1; Ga. L. 1915, p. 825, § 6; Ga. L. 1924, p. 683, § 14; Ga. L. 1927, p. 1526, § 1; Ga. L. 1935, p. 1178, §§ 1, 2; Ga. L. 1937-38, p. 1347, § 1; Ga. L. 1939, p. 1296, § 1; Ga. L. 1943, p. 1585, § 1.)

Sec. 1-103. Same—Territory excluded.

From and after the passage of this section,[1] the corporate limits

1. The act from which this section was derived was approved February 5, 1951.

of the City of Savannah shall not include the land and improvements and property located within the following boundaries and more fully described as follows:

Beginning at a point on the easterly bank of the Placentia Canal, where said easterly bank of said canal intersects the southern right of way of Victory Drive, also known as U. S. Highway "80", thence running in a westwardly direction along the southern right of way of the said Victory Drive to its intersection with the eastern right of way of Shuptrine Avenue; thence in a southwardly direction along the said Shuptrine Avenue a distance of six hundred and nine (609′) feet to a point, which point is located on the northern boundary line of the LaPantoville Tract; thence in an eastwardly direction to a point which is located at the northeast corner of the said LaPantoville Tract, and which point is also located at and marks the northwest corner of Lot No. One Hundred Fifty-four (154) of the Merchants and Mechanics Land Company's Subdivision No. Two (2); thence in a southwardly direction along the western line of the said Lot No. One Hundred Fifty-four (154) of said subdivision to a point located on the northern right of way of the Thunderbolt Shell Road; thence in an easterly direction along the northern right of way of the said Thunderbolt Shell Road to its intersection with the easterly bank of the Placentia Canal, which is the present corporate limits of the said Town of Thunderbolt; thence in a northeasterly direction along the easterly bank of the Placentia Canal to its intersection with the southern right of way of Victory Drive, the point of beginning, all of which will more fully appear by reference to the map or plat of Subdivision No. two (2), made by Percy Sugden, C. E., dated September, 1894, for the Merchants and Mechanics Land Company, and which map or plat is hereby expressly made a part of this description; said map or plat is duly recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Record Book 7 R's, Folio 454. (Ga. L. 1951, p. 2265, § 1.)

Sec. 1-104. Same—Extended—Generally.

The corporate limits of the City of Savannah are hereby extended to include the land and improvements and property located within the following boundaries as hereinafter set forth:

Beginning at a point where the northern line of DeRenne Avenue intersects with the western line of the Middleground Road, thence eastward along the northern line of DeRenne Avenue to its

intersection with the western line of the Skidaway Road, thence north along the western line of the Skidaway Road to its intersection with the northern line of the old Thunderbolt Shell Road, thence along the northern line of said Shell Road to its intersection with northwestern line of Placentia Canal, thence along this line of the Placentia Canal to its intersection with the south line of Victory Drive, thence across Victory Drive to the western line of Levy Avenue, thence along the western line of Levy Avenue projected across Bonaventure Road to its intersection with the old right of way of the Savannah Electric & Power Company, thence following the old right of way of the Savannah Electric & Power Company to the eastern line of Maryland Avenue projected, thence along the east line of Maryland Avenue projected to the southern line of Bolton Street projected, thence west along the southern line of Bolton Street projected to the east line of Laurel Avenue, thence northward along the eastern line of Laurel Avenue to the projected intersection of the south property line of Deptford Homes with Laurel Avenue, thence eastward along the south property line of Deptford Homes to the eastern property line of Deptford Homes, thence north along that property line to its intersection with the southern line of the old Central of Georgia right of way to Tybee, thence along the southern line of said Central of Georgia right of way in a western direction to the projected east property line of Moses Rogers Grove, thence north across the Central of Georgia right of way and President Street extension along the eastern property line of Moses Rogers Grove to its intersection with the north property line of Moses Rogers Grove, thence along the northern line west to the eastern line of Shipyard Road, thence south along the eastern line of Shipyard Road to the intersection with the southern line of the Central of Georgia right of way, thence westward along said southern line of the Central of Georgia right of way to its intersection with the present corporate limits at the eastern line of Pennsylvania Avenue. Also beginning at the point where the western line of the Middleground Road intersects with the northern line of DeRenne Avenue northwardly along the west line of the Middleground Road to its intersection with the north line of Staley Street, thence eastwardly along north line of Staley Street to the western line of the Middleground Road, thence northwardly along said western line of the Middleground Road to the present city limits at its intersection with 62nd Street, thence following the western line of the present corporate limits as said line meanders to the point where the present corporate limits intersect with the

northern line of the Louisville Road, thence westwardly along the northern line of the Louisville Road following the present city limits north and west to the intersection of said line with the eastern line of West Lathrop Avenue extended, thence across West Lathrop Avenue extended in a straight line produced and parallel to the Augusta Road and/or Bay Street Extension to a point where said line intersects with the eastern line of U. S. 80, thence along the eastern line of U. S. 80 in a northern direction to its intersection with the northern line of the Augusta Road and/or Bay Street Extension, thence across the Augusta Road and/or Bay Street Extension to the north line of said Augusta Road and/or Bay Street Extension, thence along the northern line of Augusta Road and/or Bay Street Extension in an eastern direction and across West Lathrop Avenue extended until it intersects with the western line of the present corporate limits. (Ga. L. 1950, p. 2383, § 1.)

Sec. 1-105. Same—Same—Dedication of streets.

It is the intent of this Act that all streets within the annexed area[2] are hereby dedicated to the City of Savannah for use as streets. (Ga. L. 1950, p. 2383, § 2.)

Sec. 1-106. Police district.[3]

(a) There is established a police district for and adjacent to the City of Savannah, which shall embrace the land and territory outside the corporate lines of the City of Savannah which lies within the State of Georgia and within three miles in a straight line from any point of the present or future corporate limits of said City of Savannah.

(b) The Mayor and Aldermen of the City of Savannah shall have and exercise police powers and police jurisdiction over and in said police district.

(c) All laws and ordinances in force in the City of Savannah or that may hereafter be enacted by the Mayor and Aldermen of the City of Savannah in reference to offenses against the public health, against the public peace and tranquility and against public morals, as well as all ordinances for the preservation of peace and good order and the safety of property, shall be in force within the territory comprising the said police district in the same manner and to

2. See § 1-104 of this Code.

3. For ordinance provisions relative to police generally, see Tit. 27.

the same extent as they are in force within the corporate limits of said city, and for all purposes to prevent the commission of any and all of said offenses and suppressing the same in order to apprehend violators of said laws. Police jurisdiction is hereby expressly given to the Mayor and Aldermen of the City of Savannah over the said entire territory embraced in said police district. To this end, the said Mayor and Aldermen of the City of Savannah shall have the power to enforce said laws and ordinances by the police department of the City of Savannah just as they may deem proper and necessary for the full protection of the city. Provided, nevertheless, that no obligation shall rest upon the municipal authorities to establish any police system within said district, the said Mayor and Aldermen of the City of Savannah being hereby given power and right to do so, which right the said Mayor and Aldermen may exercise in full, partial or not at all, as in its judgment the best interest of the City of Savannah may require. (Ga. L. 1921, p. 1075, §§ 10, 11, 12.)

Editor's note.—By Ga. L. 1895, p. 317, § 1, city policemen are authorized to make arrests within two miles of the corporate limits in cases of riots, affrays and disorderly conduct.

Sec. 1-107. Harbor lines, etc.[4]

The harbor line in the Savannah River from the cross tides, above the City of Savannah, is hereby extended to the dividing line between Chatham and Effingham Counties, Georgia, at and upon said river; so that, as amended, the harbor lines in said river shall be from said dividing line between Chatham County and Effingham County, at and on said river, to the sea, and said Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to establish and control, by ordinance of its council, harbor lines in the Savannah River from said dividing line between Chatham and Effingham Counties to the sea, and within the jurisdiction of the State of Georgia, to prevent piers, bulkheads or other structures being built on either side of said river, beyond such lines as may be established by ordinance of its council, and to pass and enforce such ordinances as may seem to the said council proper for the purpose of preventing the shoaling of the said river between the dividing line aforesaid and the sea, within the jurisdiction of the State of Georgia. (Ga. L. 1919, p. 1310, § 1.)

4. For ordinance provisions relative to the Harbor and Port of Savannah, see Tit. 18.

Sec. 1-108. Jurisdiction over vessels and crews in Savannah River.

The Mayor and Aldermen shall have jurisdiction over vessels and rafts lying in the River Savannah, between said city and Tybee, and their respective crews; and all porters working on board such vessels shall be subject to the ordinances of said city in regard to badges, and to porters and laborers. (Ga. L. 1842, p. 159; Code of Ga. 1822, § 4843.)

Sec. 1-109. Town common—Generally.

The common appertaining to the said town extending southerly from the extremity of the bluff on the River Savannah, to the north line of the garden lots, and westerly from the west line of the garden lots, lying east of the said town to the east line of the lots lately laid out between Musgrove's Creek and the said town, including all the squares, streets, lanes and passages, described in the plan of the said town in the Surveyor-General's office, and [which] have been heretofore accustomed or made use of by the inhabitants of said town, shall be and continue the common property of the lot holders in the said town, and shall not be aliened or granted away for any purpose, whatsoever, than by Act of the General Assembly. (Ga. L. Dec. 1, 1760; M. & C. Dig., p. 117.)

Sec. 1-110. Same—Sale of certain lots confirmed.

The Mayor and Aldermen of the City of Savannah having been prohibited, by an Act passed on the first of December, seventeen hundred and sixty, from alienating or granting away for any purpose whatsoever, than by an Act of the General Assembly, the common appertaining to the said town, and it being represented to the legislature that the said Mayor and Aldermen, to the great advantage of the lot holders, and with much profit to the treasury of said city, have at different times heretofore alienated, granted and conveyed certain parts or lots of the said common; and justice requiring that the agreements made by the corporation with the purchasers be confirmed, all and singular the conveyances heretofore made of the said town common under the authority of the Mayor and Aldermen, whether in fee simple or otherwise, shall be, and they are hereby declared to be legalized, confirmed and made valid, to all intents and purposes, according to the covenants, limitations and agreements of the same. (Act of Dec. 21, 1822, § 1.)

Sec. 1-111. General power of condemnation.

The said municipal corporation is hereby authorized and empowered to condemn property for the purpose of acquiring sites for libraries, auditoriums, wharves, squares, playgrounds and all other public purposes. Provided, however, that this provision of this Act shall not repeal any of the provisions of the Act of the Legislature of Georgia of 1895, approved December 11, 1895, Act 76, 1895, giving authority to the said city to condemn property for the purpose of opening streets, etc. The said municipal corporation shall proceed in condemning property for the purposes here mentioned under the terms and provisions of an Act of the Legislature of this State, approved December 18, 1894, entitled, "An Act to provide for the uniform method of exercising the right of condemnation, taking or damaging private property," and to be found on pages 95, 96, 97, 98, 99 and 100 of the volume containing the published laws for the year 1894. The fact that the property needed by the said municipal corporation for the purposes here mentioned may be owned or used by a railroad or other corporation shall be no bar to the exercise of the right of condemnation hereby conferred. (Ga. L. 1915, p. 825, § 2.)

Sec. 1-112. Acquisition of land outside corporate limits—Authority.

The Mayor and Aldermen of the City of Savannah are authorized to acquire, by purchase or otherwise, lands in Chatham County outside of the corporate limits of the City of Savannah, for cemetery, pest house, hospital, public streets or other public uses. (Ga. L. 1900, p. 421, § 1.)

Sec. 1-113. Same—Ordinance required.

Before any land located outside of the corporate limits of the City of Savannah shall be purchased by the Mayor and Aldermen of the City of Savannah, as provided in the foregoing section, such purchase shall be first sanctioned by an ordinance of its council, which shall be read twice, that is to say once at two distinct regular meetings of council, and such ordinance shall require for its passage the vote of a majority of the Mayor and Aldermen elected to council. (Ga. L. 1900, p. 421, § 2.)

Sec. 1-114. Contracts for care of cemetery lots.[5]

(a) The Mayor and Aldermen of the City of Savannah shall have power and authority to make and enter into contracts for the annual or perpetual care of lots in any cemetery owned or controlled by said municipal corporation.

(b) It shall be the duty of said municipal corporation to pass all bylaws and ordinances necessary to carry this section into effect, and to protect and segregate the funds received by it for those purposes.

(c) All contracts made by said municipal corporation for the annual or perpetual care of such cemetery lots shall be binding on said municipality, and all such contracts heretofore made by said corporation are ratified and confirmed. (Ga. L. 1912, p. 1242, §§ 1, 2, 3; Ga. L. 1933, p. 1051, § 26.)

Sec. 1-115. City market generally.

The Mayor and Aldermen of the City of Savannah is authorized and empowered to acquire by purchase, gift, condemnation or otherwise and to own, use, improve, lease, sell or otherwise dispose of land lying within or without the corporate limits of said City of Savannah and within the limits of Chatham County, for the purpose of providing a market or markets for the sale, handling, storage and distribution of products of farms, groves, or orchards; to erect suitable structures thereon and regulate the use thereof; and to appropriate and expend for the city treasury such sums as city council may deem advisable for such purposes. (Ga. L. 1937, p. 2095, § 3.)

Sec. 1-116. Open-air market.

The Mayor and Aldermen of the City of Savannah may establish an open-air market in and about the city market building on the streets adjoining the same, and impose such charges, rents and fees for the use thereof as, to the Mayor and Aldermen, may seem fit and proper. (Ga. L. 1935, p. 1171, § 2.)

Sec. 1-117. Farmers' wholesale market at Franklin Square.

The Mayor and Aldermen of the City of Savannah be and is

5. For ordinance provisions relative to cemeteries generally, see Tit. 10.

hereby authorized to close and discontinue for public park purposes, or for recreation purposes, or similar purposes, that certain square or park in the City of Savannah, known as Franklin Square, the same being the northernmost park or square situated on Montgomery Street, and bounded on the north by Bryan Street, on the south by Congress Street, on the east and west by Montgomery Street as it extends around said park or square; and the said the Mayor and Aldermen of the City of Savannah be and the same is hereby authorized hereafter to use said Franklin Square for the purpose of a farmers' wholesale market, and, in connection with such use, to authorize and permit vehicles of all kinds to park in said square. The said Mayor and Aldermen of the City of Savannah is further authorized and empowered to make such charges or fees as it may deem fit and proper for the use of said Square by any person, firm, or corporation using the same with vehicles, or otherwise, for marketing purposes, and to make, establish, and promulgate reasonable rules and regulations for the use of said Square and for the purposes aforesaid. (Ga. L. 1933, p. 1063, § 2.)

Sec. 1-118. Municipal abattoir.

The Mayor and Aldermen of the City of Savannah is hereby authorized and empowered to lease, acquire, own, hold and operate a municipal abattoir for the killing of livestock, for meat intended for human consumption, and for curing and packing of such meat, and the products therefrom; to appropriate money from the city treasury for such purpose; and to make rules and regulations by ordinance governing such abattoir. The said Mayor and Aldermen are further authorized and empowered, in the interest of the public health, to require all fresh meats intended for human consumption in the City of Savannah to be slaughtered at an authorized municipal abattoir, excepting therefrom such fresh meats as may have been killed elsewhere, but inspected by the Bureau of Animal Industry of the United States Department of Agriculture. (Ga. L. 1922, p. 965, § 1.)

Sec. 1-119. Municipal electric plant.

The Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to erect and maintain an electric plant for the purpose of lighting the City of Savannah with electricity and to do all things necessary for this purpose; to contract with per-

sons and corporations for the furnishing of electric lights by the said municipal corporation for such just and reasonable compensation as may be agreed on, and to adopt such ordinances, rules and regulations as may be necessary or proper to carry out the true intent and meaning of this Act. (Ga. L. 1893, p. 306, § 1.)

Sec. 1-120. Rights in Wharf Head transferred to city.

All the rights and interest of the State of Georgia in and to the line of Wharf Head recently erected at the entrance of the channel of the Savannah River, between Hutchison and Fig Island, by the General Government, are hereby transferred, granted and set over unto the Mayor and Aldermen of the City of Savannah and the Hamlets thereof; any law to the contrary notwithstanding. (Ga. L. 1857, p. 191, § 1.)

Sec. 1-121. Control, repair, etc., of wharves generally.

The control and management of the wharves in the City of Savannah, including the power to regulate the rates of wharfage and dockage, and the mode and manner of building and repairing such wharves, and all matters pertaining thereto, within the present and future corporate limits of said City of Savannah, be, and are hereby, granted to and conferred upon the municipal corporation, known as the Mayor and Aldermen of the City of Savannah, to as full and ample extent as appertained or belonged to the General Assembly immediately before the passing of this Act.

Whenever, in the judgment of the city council of Savannah, any wharf, or part of a wharf, within the limits aforesaid, shall or may require repairing or rebuilding, reasonable notice thereof, of not less than thirty days, shall be given to the owner or owners of such wharf or part of a wharf, his, her or their agent or agents, representative or representatives; and the service of such notice shall constitute a lien on such wharf, or part of a wharf, to the extent, in value of the repairing or rebuilding as aforesaid, which the said Mayor and Aldermen may incur or expend in such repairing or rebuilding, and all reasonable expenses attending the enforcement of such lien—all which value and expenses may be recovered by the said, the Mayor and Aldermen of the City of Savannah, in any court having jurisdiction; and the judgment of such court in the premises may be enforced against such wharf or part of a wharf, and by a sale thereof; and no lease or alienation of the premises, after such notice, shall be good or valid to prevent such sale; pro-

vided always, that in case of a lease, good and valid at the time of such notification, and extending beyond the term of such sale, the officer making the sale shall sell only the reversionary right or interest of the owner or owners of the premises; and provided further, that no proceeding to enforce such lien shall be commenced, if the owner or owners of such wharf or part of a wharf shall, within thirty days after service of notice as aforesaid, begin to repair or rebuild, (as the case may be,) and continue in good faith and with reasonable diligence such work of repairing or rebuilding deemed necessary and proper by said city council.

Nothing in this Act contained shall be construed to take away from the commissioners of pilotage for the bar of Tybee and River Savannah, and the several bar and inlets north of Sapelo bar, the right to sue and recover in any case provided for in the first section of an Act entitled "An Act to amend the laws of this state regulating pilotage, and defining the powers of the commissioners of pilotage, and further to protect the navigation of the Savannah River so far as the bar of Tybee and port of Savannah are concerned; to authorize the Judge of the Superior Court of Chatham County to hold special courts in certain cases, and for all other purposes, approved the 30th day of December, 1847"; provided, such commissioners of pilotage have already caused to be done, or begun, any work of repair or building in such case as provided for in said first section of said act of 30th December, 1847. (Ga. L. 1872, p. 257, §§ 1-3.)

Sec. 1-122. Municipal wharves, docks, etc.

The Mayor and Aldermen of the City of Savannah is hereby authorized and empowered to purchase, acquire, own and hold real estate, either within the corporate limits of said city or without the said limits, for the purpose of establishing a municipal wharf or wharves. Said Mayor and Aldermen are further authorized and empowered, after purchasing such property, to appropriate moneys from the treasury of said city in payment of the same. After acquiring said property, said Mayor and Aldermen are hereby empowered and authorized to maintain and operate on the Savannah River and waters adjacent thereto a municipal wharf or wharves and, by ordinance, to make rules and regulations for the government of the same, as well as to provide charges or fees for the use of the said wharf or wharves or any part thereof.

In addition to the power of acquiring, owning and holding real estate for the purpose of establishing a municipal wharf or wharves,

said Mayor and Aldermen of the City of Savannah shall have the right to acquire property for the establishment of wharf, dockage, warehouse, and factory site purposes on the Savannah River in Chatham County, Georgia, and to devote any property already required for a municipal wharf, to wharf, dockage, warehouse and factory site purposes, and said Mayor and Aldermen shall also have the right to sell, dispose of or lease any property held or acquired for such purposes to any person, firm or corporation desiring to erect, build or maintain warehouses and factories.

The action of the Mayor and Aldermen of the City of Savannah, in building wharves on the water lots at the foot of Abercorn, Drayton and Whitaker Streets, and leasing the same for the benefit of the commerce of the port, is hereby declared to be legalized, confirmed and made valid, to all intents and purposes, and the absolute property and control in said wharves is hereby vested in said Mayor and Aldermen, and their successors in office, with power to lease or otherwise dispose of the same, according to the commercial necessities of the Port of Savannah, as in their judgment the public interest may require.

The said Mayor and Aldermen are hereby vested with full power and authority to close as many other of the docks on the water lots at the foot of the streets, as the public interest or necessity, in their judgment, may require, by the building of wharves, and to lease or otherwise dispose of said wharves, as in their judgment would be best for the interest of the city; provided, nevertheless, that a sufficient number of the city docks shall be kept open for the convenience of the public, as landing points for boats and passengers; provided, further, that the Mayor and Aldermen of the City of Savannah, or the party or parties exercising rights acquired from said Mayor and Aldermen shall have full power and authority to charge, collect and receive rent, wharfage and other customary dues, for the use of said docks and wharves, but that neither said Mayor and Aldermen nor said parties shall use said docks or wharves except as docks or wharves are generally used in said city for the promotion of the commercial interest of said port, nor shall they build upon or otherwise obstruct the same, so as to prevent the free passage of citizens over and upon the adjacent streets. (Ga. L. 1874, p. 219, §§ 1, 2; Ga. L. 1919, p. 1311, §§ 1, 2; Ga. L. 1920, p. 1491, § 3.)

Sec. 1-123. Fire protection generally.[6]

The Mayor and Aldermen of the City of Savannah shall provide adequate fire protection to all property within the present corporate limits of the City of Savannah on an equal basis, and shall provide fire plugs in all portions in the corporate limits of said city and shall provide such fire stations in such locations as may be necessary in order to afford adequate fire protection to all property within said corporate limits. (Ga. L. 1951, p. 2294, § 1.)

Sec. 1-124. Extinguishment of fires beyond city limits.

The fire department of the City of Savannah shall have power and authority to go beyond the limits of the City of Savannah to any place within Chatham County, Georgia, for the purpose of extinguishing fires, and, while going to and coming from or attending such fires, the officers and men of the said department shall have the same authority and control as they have in the City of Savannah while acting in their official capacities, and the said officers and men shall be exempt from civil or criminal liability while acting in their official capacities beyond the limits of the City of Savannah within the County of Chatham, to the same extent as they are now exempted while in the course of duty within the City of Savannah. It is further provided that the fire department of the City of Savannah can be sent beyond the limits of the County of Chatham when, in the discretion of the Mayor or acting Mayor it shall be necessary so to do for the purpose of preventing a conflagration or calamity in any other town or city, and only when the services of the said department are requested by the authorized authorities of such city or town desiring their aid or assistance. The powers, remedies and procedure herein set out shall be in addition to and cumulative of those now or hereafter conferred by other laws. (Ga. L. 1929, p. 1281, § 3.)

Sec. 1-125. Fire marshal[7]—Appointment; general duties.

From and after the passage of this Act, it shall be lawful for the

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6. As to fire protection at the municipal airport, see § 1-1204. As to authority to collect property ad valorem taxes when fire protection has been provided by the city, see § 1-2408.

For ordinance provisions relative to fire protection generally, see Tit. 14.

7. For ordinance provisions relative to fire marshal, see §§ 14-101 to 14-103.

Mayor and Aldermen of the City of Savannah, Georgia, to appoint a fire marshal, whose duty it shall be to make all and proper investigation into the origin and circumstances of all fires that shall occur within limits of said city. (Ga. L. 1882-83, p. 488, § 1.)

Sec. 1-126. Same—Power to subpoena witnesses and make arrests.

The said fire marshal shall exercise the authority of summoning by subpoena any persons whom it is thought shall be able to give testimony as to the origin or circumstances of any fire, and shall have the further authority of making arrests and commitments of any persons who shall be found by him to be guilty of arson or accessory thereto, or against whom sufficient proof has been established to warrant his, her or their trial for the said offenses before any of the courts of competent jurisdiction of this state or of the United States; and the said fire marshal shall have the further authority of making arrests or commitments of any person or persons who may be guilty of contempt of summons, subpoena or court, and such persons so guilty shall be amenable in the same manner as prescribed in the statutes of this state applying to the offices of justices of the peace. (Ga. L. 1882-83, p. 488, § 2.)

Sec. 1-127. Same — Investigation of fires in Chatham County.

The said fire marshal shall be authorized to investigate the origin or circumstances of any fire occurring within the County of Chatham, upon the application for such investigation from any person interested in loss or otherwise in said fire. (Ga. L. 1882-83, p. 488, § 6.)

Sec. 1-128. Same—Use of policemen.

The said fire marshal shall be empowered to use as the officers of his court such members of the police force of the City of Savannah as may be appointed thereto by the Mayor and Aldermen of the said City of Savannah. (Ga. L. 1882-83, p. 488, § 3.)

Sec. 1-129. Same—Laws for government of office.

The Mayor and Aldermen of the City of Savannah are hereby authorized to establish such laws for the government of the office

of fire marshal as shall be in conformity with the provisions of this Act and the statutes of the state. (Ga. L. 1882-83, p. 488, § 4.)

Sec. 1-130. Same—Authority to combine with other city office; remuneration.

The Mayor and Aldermen of the City of Savannah are hereby empowered to make the said office of fire marshal one of itself, or may join it to one of the offices of said City of Savannah now existing under the laws of said city; and the said Mayor and Aldermen shall have the further authority of fixing or prescribing such remuneration of said office of fire marshal as shall by them, the said Mayor and Aldermen, be deemed just and right. (Ga. L. 1882-83, p. 488, § 5.)

Sec. 1-131. Police protection.[8]

The Mayor and Aldermen of the City of Savannah shall provide adequate police protection at all places within the corporate limits of the City of Savannah on an equal basis, and shall employ at least ten policemen in addition to those now employed in order to provide such service. (Ga. L. 1951, p. 2294, § 2.)

Sec. 1-132. Garbage collection.[9]

The Mayor and Aldermen of the City of Savannah shall provide garbage collection service in all portions of the City of Savannah within the present corporate limits of said city on an equal basis. (Ga. L. 1951, p. 2294, § 3.)

Sec. 1-133. Regulation of small loans.

The Mayor and Aldermen of the City of Savannah shall have authority to license and regulate every firm, person or corporation

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8. For special legislative provisions as to police protection at the municipal airport, see § 1-1204. As to authority to collect property ad valorem taxes when police protection has been provided by the city, see § 1-2408.

For ordinance provisions relative to police generally, see Tit. 27.

9. For special legislative provisions as to garbage collection charges, see ch. 1-10. As to authority to collect property ad valorem taxes when garbage collection services are provided, see § 1-2408.

For ordinance provisions relative to garbage, and trash generally, see Tit. 17.

in said city engaged in the business of making small loans, that is to say, engaged in the business of making loans in the sum of three hundred dollars or less, secured or unsecured, or engaged in the business of lending moneys by assignment of wages or salaries, earned or to be earned, or engaged in the business of buying salaries, [and] to define by ordinance the powers and privileges of such businesses not inconsistent with the laws of this state, or license therein, with power to revoke licenses for violation of any law or ordinance, to enact ordinances providing for the submission of daily reports of all wages or salaries so assigned, and generally to exercise such supervision over those engaged in the several businesses aforesaid as will insure fair dealings between the operators of said businesses and their customers. (Ga. L. 1937, p. 2095, § 5.)

Sec. 1-134. Regulation of fares charged by for-hire vehicles.[1]

The Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to fix and regulate by ordinance the rates and fares to be charged within the City of Savannah by baggage and cab companies, public drays, hacks, horse-drawn and otherwise, cabs, taxicabs, public automobiles and jitneys for the transportation of passengers and goods and merchandise and baggage; and said Mayor and Aldermen shall also have the right and power to provide in any such ordinance a penalty for the violation of the same upon conviction in the police court of Savannah. (G. L. 1920, p. 1482, § 1.)

Sec. 1-135. Records of timber and lumber inspectors; disclosures to be made to purchasers of timber.

It shall be the duty of the inspectors of timber and lumber of the City of Savannah, respectively, to keep a book which shall be open to public inspection, in which shall be kept an entry of all timber and lumber of every kind and quality which may be brought to said city for sale, and which may be inspected by them, either within the corporate limits of the city or elsewhere, stating particularly the date of inspection, the date of arrival, where from, name

1. For ordinance provision requiring the posting of taxicab rates, see § 33-210.

of the owner, number of good pieces, number of refuse pieces, kind, quality, quantity, [and] to whom consigned, if known.

When any timber or lumber may be sold in said city by anyone, for the account of another, it shall be his duty, when rendering an account of sale to the owner, to disclose the date of sale, the price for which the same was sold, and the name of the person to whom sold. And should the person so selling fail to make the said disclosures when required, or shall make false or fictitious disclosures in these particulars, [he] shall be guilty of a misdemeanor, and on conviction, shall be punished as prescribed in section 4245 of Irwin's Revised Code; and for a violation of the duty prescribed in this Act for timber and lumber inspectors, they shall be guilty of a misdemeanor, and shall, on conviction, be likewise punished. (Ga. L. 1874, p. 222, §§ 1, 2.)

Sec. 1-136. Authority to grant certain rights to cotton exchange.

The Mayor and Aldermen of the City of Savannah are hereby fully authorized and empowered to allow and permit the Savannah Cotton Exchange, a corporation incorporated under the laws of the State of Georgia, and located in the said City of Savannah, upon such terms and conditions as the Mayor and Aldermen of the City of Savannah may prescribe, to arch or bridge the slip at the foot of Drayton Street in said city between the Stoddard upper range and the DeRenne block to erect a foundation and walls for such bridge or arch and to place upon said bridge or arch a building of the said Cotton Exchange. The said bridge or arch shall be of sufficient height and the said work shall be so done that the said slip shall remain free and open to the full and complete use of the public. (Ga. L. 1884-85, p. 386, §§ 1, 2.)

Sec. 1-137. Appropriations for advertising city.[2]

The Mayor and Aldermen of the City of Savannah shall have the authority and be empowered to appropriate from the city treasury sums not exceeding one hundred thousand dollars in any one year. The sum or sums so appropriated shall be spent to advertise the advantages of said city and to promote the growth and interests of the city, or the welfare of its inhabitants, under the direction of and in

2. For ordinance provisions relative to advertising generally, see Tit. 4.

such manner as shall be determined by the Mayor and Aldermen of the City of Savannah, or by any committee of council appointed by the Mayor and Aldermen of the City of Savannah. (Ga. L. 1924, p. 683, § 2.)

Sec. 1-138. Contracts[3] with and contributions to fair associations.

For the purpose of developing the resources of the City of Savannah, County of Chatham, Georgia, and the adjoining territory by special encouragement to its agricultural, economical, educational, industrial, manufacturing and mechanical interests and by giving notice of its possibilities [and] potentialities to all the world, it shall be lawful for the said City of Savannah and the Mayor and Aldermen of the said city in their official capacities as such, and the governmental officials of said city by whatever terms designated, to enter into any contract, lease or agreement with the Savannah Fair, incorporated, a corporation of said county for the purpose of encouraging the agricultural, economical, educational, industrial, manufacturing and mechanical interests of said city, county and adjoining territory, on such terms as said city authorities may deem proper, with the right on the part of the said association to charge and receive any admission fee or fees to any fairs, expositions and grounds or any part thereof; and the said city shall be authorized to make contributions of money or property to such fair associations to assist in carrying out the purposes of such fair associations, to the end that the purposes of such fair association may be fully and effectually performed. (Ga. L. 1923, p. 773, § 1.)

Sec. 1-139. Appropriations for charity generally.

The Mayor and Aldermen of the City of Savannah is authorized and empowered to appropriate and expend money from the treasury of the City of Savannah, by a majority vote of the Board of Aldermen at any regular meeting of city council, or at any special meeting duly called, for the purpose of giving aid or encouragement to any charitable organization or cause in the City of Savannah in such amount as council may deem advisable. (Ga. L. 1937, p. 2095, § 2.)

3. For ordinance provisions relative to contracts generally, see Tit. 11.

Sec. 1-140. Appropriations to hospitals receiving charity patients.

Whenever any hospital in the City of Savannah, whether white or colored, receives charity patients and makes no charge for treatment of the same, the said Mayor and Aldermen of the City of Savannah is hereby empowered and authorized to annually appropriate money for such hospitals and pay the same to such hospitals for the treatment of such charity patients in such amount or amounts as may seem just and proper to said Mayor and Aldermen. (Ga. L. 1919, p. 1292, § 2.)

Sec. 1-141. Work houses and treadmills; convict labor generally.[4]

The Mayor and Aldermen of the City of Savannah shall have power to establish work houses and treadmills, and to cause labor and confinement therein, and also on the public streets, squares or lanes by persons, whether white or colored, convicted of offenses against the ordinances of the city or laws of the state in relation to said city. (Code of Ga. 1873, § 4865.)

Sec. 1-142. Persons sentenced to labor to be turned over to Mayor and Aldermen.

Persons sentenced to labor by the mayor's or recorder's court of the City of Savannah shall be turned over to the Mayor and Aldermen of said city, to be put to work on the streets, or other public works in or around said city. (Ga. L. 1876, p. 316, § 3.)

Sec. 1-143. Convicts may be sentenced to county chain gang.

Whenever any person is convicted in the police court of the City of Savannah for a violation of any ordinance of said city, and such ordinance provides for punishment by imprisonment, and the sentence of the court is enforced by imprisonment, the imprisonment of such person may, in the discretion of the court, be with labor in the chain gang of Chatham County, Georgia, upon the public works of said county or of the City of Savannah, and such person may, for the purposes aforesaid, be committed direct from said police court to said chain gang into the custody of the county authorities of said county. (Ga. L. 1903, p. 152, § 1.)

4. For ordinance provisions relative to convict labor on public works, see § 2-108.

Chapter 1-2. Administration.[5]

Article I. In General.

§ 1-201. Vacancies in offices generally.
§ 1-202. Vacancy in office of Mayor or Aldermen.
§ 1-203. Mayor and Aldermen exempt from jury duty.
§ 1-204. Police, etc., exempt from militia and jury duty.
§ 1-205. Mayor's veto power.
§ 1-206. Age of employees.
§ 1-207. Employees to hold but one office.
§ 1-208. Wages of firemen and policemen.
§ 1-209. Group insurance for employees.

Article II. Council-Manager Act.

Division 1. Generally.

§ 1-210. Effect of article on existing rights, powers, etc.
§ 1-211. Composition of Board of Aldermen.
§ 1-212. Powers and duties of Mayor generally.
§ 1-213. Salary of Mayor.
§ 1-214. Salary of Aldermen.
§ 1-215. Mayor and Aldermen not to appoint, etc., officers and employees under jurisdiction of manager.
§ 1-216. Purchases.

Division 2. City Manager.

§ 1-217. Appointment and tenure generally.
§ 1-218. Official title.
§ 1-219. Qualifications.
§ 1-220. City officers and employees not eligible for appointment; exception.
§ 1-221. Residence.
§ 1-222. Salary.
§ 1-223. Quarters.
§ 1-224. Powers and duties generally.
§ 1-225. Authority relative to officers and employees.
§ 1-226. Execution of contracts.
§ 1-227. Reports to manager.
§ 1-228. Removal.
§ 1-229. Acting manager.
§ 1-230. Temporary manager.

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5. For ordinance provisions relative to administration generally, see Tit. 3.

ARTICLE I. IN GENERAL.

Sec. 1-201. Vacancies in offices generally.

Any vacancies as to any of the officers elective by the city council of Savannah which shall occur after the regular election provided for by law, may be filled by the Mayor and Aldermen of the City of Savannah at any regular meeting of its council. (Ga. L. 1898, p. 265, § 3.)

Sec. 1-202. Vacancy in office of Mayor or Aldermen.

In the event of a vacancy in the office of Mayor or Aldermen of the City of Savannah, any citizen of the City of Savannah shall be eligible to election to such office, and the Mayor and Aldermen shall elect such successor. (Ga. L. 1915, p. 825, § 4.)

Sec. 1-203. Mayor and Aldermen exempt from jury duty.[6]

The Mayor and Aldermen, during their continuance in office, are hereby exempted from the performance of any and all jury duty. (Ga. L. 1849-50, p. 83, § 8.)

Sec. 1-204. Police, etc., exempt from militia and jury duty.

The officers and privates of the police or city watch of Savannah shall be exempt from the performance of militia duty under the peace establishment of this state; and they and the engineer and assistant engineer of the Savannah waterworks shall be exempt from jury duty. (Code of Ga. 1873, § 4866.)

Sec. 1-205. Mayor's veto power.

The Mayor and, in his absence, the acting Mayor of the City of Savannah is hereby given the power of revision of all ordinances and resolutions hereafter passed by the said city through its council before the same shall become operative, and it is hereby made the duty of the said Mayor, or acting Mayor, to either approve or veto the same. Two-thirds of the Aldermen present in council shall have the power to pass an ordinance or resolution over the said veto, notwithstanding the same. The said Mayor or acting Mayor shall

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6. See § 1-106.

have as long as five days (Sundays excepted) after the passage of an ordinance or resolution by council in which to consider the same, should time for consideration be desired by him, but unless he vetoes the said ordinance or resolution within the said five days, the same shall become operative as completely as if approved by him. In the event of a veto after the adjournment of the meeting at which the ordinance or resolution is passed and within the said five days, the said veto may be overruled by council at its next regular meeting thereafter by the said two-thirds vote. (Ga. L. 1898, p. 255, §§ 1, 2.)

Sec. 1-206. Age of employees.[7]

The Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to fix a maximum discretionary age limit of retirement for all employees of the Mayor and Aldermen of the City of Savannah. The Mayor and Aldermen may, in their discretion, retire any employee of the City of Savannah who attains such maximum discretionary age limit. The Mayor and Aldermen of the City of Savannah are further authorized to fix a minimum age and a maximum age for all persons employed by the Mayor and Aldermen of the City of Savannah and, when such authority is exercised by the Mayor and Aldermen of the City of Savannah, no person under the minimum age may be employed and no person over the maximum age may be employed. (Ga. L. 1939, p. 1288, § 7.)

Sec. 1-207. Employees to hold but one office.

Any regular employee of the Mayor and Aldermen of the City of Savannah who receives a salary from said city shall not be permitted by said Mayor and Aldermen to hold, at one and the same time or for one and the same term, more than one office under the jurisdiction of said Mayor and Aldermen; and such employee shall not hold, at any one time or for any one term, an office or position paying a salary under the jurisdiction of said Mayor and Aldermen and also an office or position with a salary attached under the juris-

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7. For special legislative authority as to pensions generally, see ch. 1-15.

For ordinance provisions relative to the retirement of employees and officers, see §§ 3-120, 3-121.

diction of any commission created by law for the City of Savannah. (Ga. L. 1933, p. 1051, § 12.)

Sec. 1-208. Wages of firemen and policemen.

The minimum salary and/or wage for members of the fire and police departments of the City of Savannah shall not be less than one hundred and ninety dollars per month.

In addition to said minimum pay of one hundred and ninety dollars per month, each member of the fire and police department shall receive minimum increases in compensation and/or wages on the following basis:

a. At the expiration of six months, an increase of $5.00 per month.

b. At the expiration of twelve months, an increase of $7.50 per month.

c. At the expiration of eighteen months, an increase of $10.00 per month.

d. At the expiration of five years, an increase of $12.50 per month.

So that members of the fire and police departments shall receive the following schedule of salaries and/or compensation:

e. Any member who has served for six months shall received a minimum salary of $195.00.

f. Any member who has served for twelve months shall receive a minimum salary of $ 202.50.

g. Any member who has served for eighteen months shall receive a minimum salary of $212.50.

h. Any member who has served for five years shall receive a minimum salary of $225.00.

All members of fire and police departments who are now serving as such shall receive the benefit of said increase in addition to said base pay as of the time of the approval of this Act;[8] and each member of the fire and police department shall received increased for the number of years or period of time served prior to the approval of this Act, but said increase shall not be retroactive. The schedule of increases for length of service set forth in this section shall be construed and are the minimum increases for length of service. The Mayor and Aldermen of the City of Savannah may at any time increase the amounts payable for length of service. (Ga. L. 1950, p. 2890.)

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8. February 17, 1950.

Sec. 1-209. Group insurance for employees.[9]

The Mayor and Aldermen of the City of Savannah shall have power to enter into contracts of insurance with any insurance company authorized to transact business in this state, insuring its employees, or any class or group thereof, under a policy or policies of group insurance, or more than one class of such insurance, and may contract with any such insurance company or companies granting annuities or pensions, and for any and all such purposes may appropriate use of the treasury funds sufficient to pay the difference between the amount collected from or contributed by city employees and the total amount of premium charges incident to the issuance and continuation of such policy or policies. (Ga. L. 1947, p. 934, § 1.)

ARTICLE II. COUNCIL-MANAGER ACT.

Editor's note.—Under Ga. L. 1951, p. 3002, a referendum to the voters of the city was held on March 28, 1951, to vote for or against a council-manager form of government for the city. At such referendum election, a majority of the voters voted for the council-manager form of government. The act constituting this article, and amendments thereto, were enacted to change the form of government and to implement the council-manager form of government for the city.

Division 1. Generally.

Sec. 1-210. Effect of article on existing rights, powers, etc.

The corporate existence and jurisdiction of the Mayor and Aldermen of the City of Savannah, and all corporate rights, powers and privileges, and all duties, obligations and liabilities are hereby preserved unto the Mayor and Aldermen of the City of Savannah, except as expressly or by necessary implication altered or amended by this article; and all ordinances and resolutions of the Mayor and Aldermen of the City of Savannah now of force shall not be affected or changed by this article, except in so far as they may be inconsistent with this article or may be expressly or by necessary implication, repealed or altered by this article. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 1.)

9. For ordinance provisions relative to group insurance for employees, see §§ 3-116 to 3-119.

Sec. 1-211. Composition of Board of Aldermen.

The Board of Aldermen shall consist of six Aldermen. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 2.)

Editor's note.—This section, as originally enacted, contained provisions as to the continuation in office of the twelve Aldermen elected on January 13, 1953, and a provision as to the election of a Mayor and six Aldermen on the second Tuesday in January, 1955. Since these provisions have served their purpose, they have been omitted.

Sec. 1-212. Powers and duties of Mayor generally.

The Mayor shall preside at all meetings of the Mayor and Aldermen and perform all other duties of the office of Mayor, except such as may be altered or changed by this article, expressly or by necessary implication; he shall have a voice and vote in all meetings of the Mayor and Aldermen. In times of danger or emergency, the Major may, with the consent of the Mayor and Aldermen, take command of the police and govern the city by proclamation and maintain order and enforce laws. The Mayor shall be recognized as the official head of the city. (Ga L. 1953, Nov.-Dec. Sess., P. 2019, § 3.)

Sec. 1-213. Salary of Mayor.

The salary of the Mayor shall be fixed by the Mayor and Aldermen, but shall not be less than five thousand dollars per annum. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 13.)

Sec. 1-214. Salary of Aldermen.

The salary of each Alderman shall be one hundred dollars per month. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 13.)

Sec. 1-215. Mayor and Aldermen not to appoint, etc., officers and employees under jurisdiction of manager.

Neither the Mayor nor any Aldermen shall direct the appointment of any person to, or his removal from, office or employment by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers or employees subject to appointment by the city manager or any of his subordi-

nates as set forth in section 1-225 of this Code. The Mayor and Aldermen shall deal solely through the city manager with the administrative services, and the departments and functions committed to him by this article; and no orders shall be given by the Mayor or any Aldermen to any subordinates of the city manager either publicly or privately, directly or indirectly. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 14.)

Sec. 1-216. Purchases.

(1) The purchase of all materials and supplies for the City of Savannah and any department thereof, regardless of quantity, cost or character, shall be made entirely through the board of purchase; provided, that before said board of purchase shall purchase any materials and supplies for said city of the value or cost of $1,000 and over, a resolution shall first be passed by council, authorizing and empowering said board of purchase to advertise, in the manner therein prescribed, for bids for such supplies and to make such purchase or purchases after receipt of bid.

(2) The board of purchase shall consist of the city manager, who shall be chairman of the board, the chairman of the finance committee of the Mayor and Aldermen, and the comptroller of the city. Two members of the board shall constitute a quorum; provided, that one of them shall be the city manager. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 10.)

Division 2. City Manager.[1]

Sec. 1-217. Appointment and tenure generally.

The Mayor and Aldermen shall, within thirty days after this article becomes effective,[2] appoint a city manager to serve subject to the pleasure of the Mayor and Aldermen, except that any removal shall be effected under the procedure prescribed in section 1-228 of this Code. If, however, the Mayor and Aldermen should not be able to secure a city manager to serve at their pleasure, they are authorized to make a contract with the city manager on such terms as may be mutually agreed upon, the term of the contract not to extend

1. For ordinance provisions relative to the city manager's bond, see § 3-114.

2. The Act from which this article was derived was approved December 3, 1953, and become effective sixty days thereafter.

beyond the term of the Mayor and Aldermen. In the event such a contract is entered into under the terms of which the city manager does not serve at the pleasure of the Mayor and Aldermen, the city manager shall not be subject to the removal procedure prescribed in this division. Such contract, however, may include provisions relative to a procedure for removal of the city manager or relative to the termination of the contract. (Ga. L. 1955, p. 2197, § 1.)

Sec. 1-218. Official title.

The title of the city manager shall be "City Manager of the City of Savannah". (Ga. L. 1955, p. 2197, § 1.)

Sec. 1-219. Qualifications.

The city manager shall be chosen on the basis of his character and of his executive and administrative qualifications, with special reference to his actual training and experience in, and his knowledge of, accepted practices of his duties as set forth in this division. (Ga. L. 1955, p. 2197, § 1.)

Sec. 1-220. City officers and employees not eligible for appointment; exception.

Neither the Mayor nor any Aldermen, nor any officer or employee of the city, except an assistant manager, shall receive such appointment [as city manager] during the term for which he shall have been elected or appointed nor within two years after the expiration thereof. (Ga. L. 1955, p. 2197, § 1.)

Sec. 1-221. Residence.

At the time of his appointment, the city manager need not be a resident of the City of Savannah or the State of Georgia, but during his tenure he shall reside in Chatham County but need not reside within the city limits. (Ga. L. 1955, p. 2197, § 1; Ga. L. 1956, pp. 2068, 2074, § 10.)

Sec. 1-222. Salary.

The Mayor and Aldermen shall fix the salary of the city manager. (Ga. L. 1955, p. 2197, § 1.)

Sec. 1-223. Quarters.

The Mayor and Aldermen shall assign the city manager adequate quarters. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 9.)

Sec. 1-224. Powers and duties generally.

In addition to those elsewhere in this article provided, the following powers are hereby conferred on the city manager and the following duties are required of him:

(1) He shall be the chief executive officer and head of the administrative branch of the city government;

(2) He shall be responsible to the Mayor and Aldermen for the proper administration of the affairs committed to his charge;

(3) He shall devote all of his working time to his duties as city manager;

(4) He shall have the right to request the counsel, advice or opinion of the city attorney and assistant city attorneys concerning any matter affecting the interest of the city; and it shall be their duty to respond to such request to the best of their abilities;

(5) He shall have the power, subject to the approval of the Mayor and Aldermen, to change, consolidate or abolish any of the offices, departments or functions over which he exercises supervision and control, and create in lieu thereof such other offices, departments and functions as he may deem best, which offices, departments and functions, when so created, shall be under his supervision and control as fully as if specified in section 1-225 of this Code;

(6) No claims against or in favor of the city shall be paid or collected without prior approval of the city manager;

(7) All bonds required of the officers and employees shall be subject to the approval of the city manager;

(8) He shall attend all meetings, stated and special, of council with the right to take part in the discussions, but not to vote;

(9) He shall have the right to recommend to council for its adoption such measures as he may deem necessary or expedient;

(10) He shall see that all terms and conditions in favor of the city or its inhabitants in contracts with public utilities and others are faithfully kept and performed;

(11) He shall prepare the budget of the city annually, and submit it to the Mayor and Aldermen, and be responsible for its administration after its adoption by the Mayor and Aldermen;

(12) He shall prepare and submit to the Mayor and Aldermen, within ninety days after the end of each fiscal year, a complete annual report on the finance and administrative activities of the city for the preceding year; and make such other financial reports from time to time as may be required by the Mayor and Aldermen or by the charter of the city,

(13) He shall have the power to investigate the affairs, records, accounts and expenditures of the various commissions created either by ordinances of the Mayor and Aldermen of the City of Savannah or by Acts of the Legislature of Georgia relating to the affairs of the City or Savannah, and to report thereon at least once a year to the Mayor and Aldermen of the City of Savannah such matters in reference thereto as he deems advisable. All materials and supplies of such commissions shall be purchased through the board of purchase;

(14) He shall keep the Mayor and Aldermen advised of the financial condition of the city and make such recommendations as may seem to him desirable;

(15) He shall perform such other duties as may be required of him by the Mayor and Aldermen;

(16) The city manager may appoint such officers of the city as he may select to assist him in the preparation of the annual budget, and financial and other reports;

(17) He shall have the power to appoint and discharge his own assistants and clerical staff and fix their salaries, the latter subject to the approval of the Mayor and Aldermen. The assistants and clerical staff of the city manager shall belong to the unclassified service under the civil service act of the city. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 9.)

Sec. 1-225. Authority relative to officers and employees.

The city manager shall have jurisdiction over, and power to appoint to serve during his pleasure, to remove when he deems it for the good of the city, and to fix the compensation of, the following officers, heads of departments and functionaries of the city:

1. Chief of police.
2. Chief of detectives.
3. Chief of fire department.
4. Comptroller.
5. Internal auditor.
6. Paymaster.

7. Treasurer.
8. Director of public works.
9. Superintendent of waterworks.
10. Supervisor of purchases.
11. Director of building and engineering.
12. City engineer.
13. Health officer.
14. Consulting health officer.
15. City physician.
16. Supervisor of public health nurses.
17. Public health nurses.
18. Chief of clinic.
19. Chief of sanitary inspectors.
20. City bacteriologist.
21. City laboratory employees.
22. Food inspector.
23. Keeper of city dispensary.
24. City printer.
25. Harbor master.
26. Vendue masters.
27. Port wardens.
28. Clerk of city market.
29. City electrician.
30. Electric inspectors.
31. Building inspectors.
32. All other inspectors.
33. Keeper of power magazine.
34. City marshal.
35. Custodian of the city hall.
36. Tax assessor.
37. Manager of auditorium and stadium.

The city manager shall have exclusive power to determine and prescribe their qualifications and their duties, which need not conform to ordinances now existing. However, unless and until changed or modified by directive of the city manager, their duties shall continue to be as now prescribed by the ordinances of the city, except as they may be changed expressly or by implication under the provisions of this article. The city manager shall exercise exclusive supervision and control over the departments, functions and operations in which they are engaged. In the event of the absence, illness or incapacity for any reason of any of them, the manager may appoint an acting temporary substitute.

The officers and heads of departments and functionaries specified in this section shall appoint their subordinates and assistants and clerks, and shall fix their salaries, all subject to the approval of the city manager; subject, however, to all the provisions of the Acts of the General Assembly approved February 14, 1949 (Acts 1949, p. 548 et seq.) [3] and any amendments thereof, which Acts sets up for the City of Savannah a civil service system. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 8; Ga. L. 1955, p. 2197, § 3.)

Sec. 1-226. Execution of contracts.

The city manager is hereby authorized and empowered to make and execute contracts within the scope of his duties as defined by this division, except for materials, supplies and equipment, the purchase of which is dealt with in section 1-216 of this Code; provided, however, that any such contract, other than a contract of employment made by the city manager, must be approved by the Mayor and Aldermen when the consideration is in excess of five hundred dollars. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 11.)

Sec. 1-227. Reports to manager.[4]

All reports now required to be made or submitted to the Mayor or to the Mayor and Aldermen, under existing ordinances, shall hereafter be made to the city manager, and a copy thereof submitted to the Mayor and Aldermen. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 12.)

Sec. 1-228. Removal.

The Mayor and Aldermen may remove the city manager by a majority vote. At least thirty days before such removal shall become effective, the Mayor and Aldermen shall, by a majority vote, adopt a preliminary resolution stating the reasons for his removal. The manager may, within ten days, reply in writing and may request a public hearing, which shall be held not earlier than twenty nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Mayor and Aldermen, by majority vote, may adopt a final resolution of

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3. See ch. 1-4.
4. For ordinance provisions relative to monthly reports of department heads to the city manager, see § 3-107.

removal. By the preliminary resolution, the Mayor and Aldermen may suspend the manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next two calendar months following adoption of the preliminary resolution. (Ga. L. 1955, p. 2197, § 2.)

Sec. 1-229. Acting manager.

Pending the appointment of the first city manager, or if there should at any time thereafter be a vacancy in the office of city manager, the Mayor and Aldermen may appoint an acting city manager, who need not have all the qualifications prescribed for the city manager in this division, for a period not longer than three months, and fix the salary of such acting city manager. The acting city manager shall exercise all functions of the city manager. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 5.)

Sec. 1-230. Temporary manager.

If, on account of the temporary absence or disability of the city manager, it should be necessary in the judgement of the Mayor and Aldermen to designate some person to serve as acting city manager during the temporary absence or disability of the city manager, the Mayor and Aldermen may appoint a temporary city manager, and fix his compensation. (Ga. L. 1953, Nov.-Dec. Sess., p. 2019, § 6.)

Chapter 1-3. Armstrong College.[5]

Article I. In General.

§ 1-301. Name.

Article II. Commission.

§ 1-302. Generally.
§ 1-303. Composition.
§ 1-304. Terms of members.
§ 1-305. Vacancies.
§ 1-306. Reappointment of members.
§ 1-307. Quorum.
§ 1-308. Secretary.
§ 1-309. Powers generally.
§ 1-310. Incorporation.
§ 1-311. Estimates, reports, etc., required.
§ 1-312. Rules and regulations.
§ 1-313. Mayor to have access to records, proceedings, etc.

ARTICLE I. IN GENERAL.

Sec. 1-301. Name.

The name of the Armstrong Junior College shall be changed to and henceforth known as "Armstrong College of Savannah." (Ga. L. 1949, p. 784, § 1.)

Editor's note.—In accord with this section, wherever the words "Armstrong Junior College" were used in the original Acts comprising this chapter, they have been changed to "Armstrong College of Savannah".

ARTICLE II. COMMISSION.

Editor's note.—By Ga. L. 1949, p. 784, § 2, the name of the Armstrong Junior College Commission was changed to Armstrong College of Savannah Commission. This change has been incorporated in the sections making up this article.

Ga. L. 1937, p. 2090, § 8, made provision for removal of the members of the commission. This provision has been omitted since the procedure was based upon the structure of the city council prior to the adoption of the council-manager form of government and is no longer applicable.

Sec. 1-302. Generally.

The college now operated by the Mayor and Aldermen of the City

5. For special legislative authority as to education generally, see ch. 1-6. For ordinance provisions relative to Armstrong College, see Tit. 7.

of Savannah, and known as the Armstrong College of Savannah shall be managed, controlled and operated by a commission known as the "Armstrong College of Savannah Commission." (Ga. L. 1937, p. 2090, § 1.)

Editor's note.—By Acts 1949, p. 784, § 2, the name of the Armstrong Junior College Commission was changed to Armstrong College of Savannah Commission. This change has been incorporated into this section and the remaining sections of this article.

Sec. 1-303. Composition.

The Armstrong College of Savannah Commission shall consist of the Mayor of the City of Savannah and the president of the board of public education for the City of Savannah and County of Chatham, who shall be ex officio members of said commission during their terms of office, respectively, as Mayor and president, and entitled to full voting rights, and six persons who are citizens of the United States and have been residents of the County of Chatham continuously for at least one year prior to their appointment, which six persons shall be appointed by the Mayor of the City of Savannah promptly after the passage of this Act, which appointments by the Mayor shall be subject to confirmation of the Board of Aldermen of the City of Savannah. In addition to the members now on the Board of Armstrong College of Savannah Commission, there shall be three additional ex officio members. Said three additional ex officio members shall be the president of the chamber of commerce, the chairman of the board of county commissioners of Chatham County, and the superintendent of schools for the board of public education for the City of Savannah and the County of Chatham. (Ga. L. 1937, p. 2090, § 2; Ga. L. 1949, p. 784, § 3.)

Sec. 1-304. Terms of members.

The six commissioners first appointed by the Mayor shall serve from the time of appointment by the Mayor as follows: One for one year, one for two years, one for three years, one for four years, one for five years and one for six years, from February 1, 1937, and the commission of appointment by the Mayor shall designate the term for which the commissioner is appointed.

Upon the expiration of the term of office of any of the commissioners first appointed, the terms of members of the commission thereafter appointed shall be for six years each.

Any member of the commission appointed by the Mayor and confirmed by the council shall continue to have authority to perform the duties of his office until his successor is appointed by the Mayor and confirmed by the council. (Ga. L. 1937, p. 2090, §§ 3, 4.)

Sec. 1-305. Vacancies.

In the event of the death, resignation or vacancy for any other reason of any member of the Armstrong College of Savannah Commission appointed by the Mayor, it shall be the duty of the Mayor of the City of Savannah, within ten days from such vacancy, to appoint some other person to fill said vacancy for the unexpired term of said commissioner, which appointment shall also be subject to confirmation by the Board of Aldermen, and the Mayor shall also have the power at any time to withdraw the name of any appointee and substitute another, prior to confirmation. (Ga. L. 1937, p. 2090, § 3.)

Sec. 1-306. Reappointment of members.

No person appointed by the Mayor as a member of the Armstrong College of Savannah Commission shall be eligible for reappointment as a member of the commission until at least one year from the expiration of his term of office. (Ga. L. 1937, p. 2090, § 4.)

Sec. 1-307. Quorum.

Four members of the Armstrong College of Savannah Commission shall constitute a quorum and be authorized to transact business. (Ga. L. 1937, p. 2090, § 4.)

Sec. 1-308. Secretary.

The Armstrong College of Savannah Commission shall select a secretary, who may be president, dean or any member of the faculty of the Armstrong College of Savannah or other person, whose duty it shall be to give notices of all meetings of the commission and to perform such other duties as may be designated by the commission. (Ga. L. 1937, p. 2090, § 4.)

Sec. 1-309. Powers generally.

The Armstrong College of Savannah Commission shall have the entire and exclusive management, operation and control of the Armstrong College of Savannah and of all the buildings and properties which now or hereafter constitute a part of said college. The commission shall have the entire and exclusive charge and control of the appropriation and expenditure of all money which may be appropriated to said commission or college by the Mayor and Aldermen of the City of Savannah and of tuition and laboratory fees received from students, and money or property received by the college, or by the corporation referred to in section 1-310 of this Code from any and all sources, including donations, legacies and bequests. (Ga. L. 1937, p. 2090, § 5.)

Sec. 1-310. Incorporation.

The Armstrong College of Savannah Commission or its members are authorized to apply to the Superior Court of Chatham County for incorporation, which charter shall authorize the receipt and use for the college and its purposes of donations, bequests and devises. The Mayor and Aldermen of the City of Savannah are authorized to make appropriations to said corporation for the uses of the college and may transfer and convey such property to said corporation as to the Mayor and Aldermen may seem proper. The said corporation shall have such other corporate powers and authority as are agreed to by the said Mayor and Aldermen at the time of the incorporation. (Ga. L. 1937, p. 2090, § 6.)

Sec. 1-311. Estimates, reports, etc., required.[6]

It shall be the duty of the Armstrong College of Savannah Commission to submit to the Mayor of said City of Savannah, not later than December 1 of each year, or at such other times as the Mayor may prescribe, an estimate of the amount of money necessary for the commission for the ensuing year, and on or before the fifteenth day of January of each year, it shall submit its report to the Mayor for the preceding year, showing its actings and doings and its receipts and expenditures of money, with such recommendations as it may see fit to make relative to the college. It shall also furnish,

6. For ordinance provisions relative to estimates and reports, see § 7-103.

from time to time, such other information as may be requested by the Mayor or by the city council. (Ga. L. 1937, p. 2090, § 7.)

Sec. 1-312. Rules and regulations.

The Armstrong College of Savannah Commission shall adopt rules and regulations for its goverment and control, which shall be submitted to the Mayor and Aldermen of the City of Savannah for approval. (Ga. L. 1937, p. 2090, § 7.)

Sec. 1-313. Mayor to have access to records, proceedings, etc.

The Mayor or anyone designated by him shall have free access at all times to all records, proceedings, books and papers of the Armstrong College of Savannah Commission. (Ga. L. 1937, p. 2090, § 7.)

Chapter 1-4. Civil Service.[7]

§ 1-401. Definitions.
§ 1-402. Appointment, removal, compensation and duties of the civil service board.
§ 1-403. Appointment, oath, duties generally, etc., of personnel director.
§ 1-404. Classification of positions generally.
§ 1-405. Composition of unclassified and classified service.
§ 1-406. Status of the incumbents.
§ 1-407. Vacancies in classified service generally.
§ 1-408. Certification and appointments generally.
§ 1-409. Temporary and provisional appointments.
§ 1-410. Competitive examinations generally.
§ 1-411. Rating of examination papers; terms of eligibility.
§ 1-412. Promotion of employees.
§ 1-413. Re-employment in classified service.
§ 1-414. Transfer of employees.
§ 1-415. Demotion of employees.
§ 1-416. Suspension of employees.
§ 1-417. Lay-offs and leaves of absence.
§ 1-418. Dismissal of employees.
§ 1-419. Refusal to examine or certify an applicant.
§ 1-420. Political activities and recommendations.
§ 1-421. Residence of employees.

7. As to pensions, see ch. 1-15.

§ 1-422. Oath of board and employees.
§ 1-423. Certification prerequisite to placement on payroll.
§ 1-424. Violations of chapter.

Sec. 1-401. Definitions.

The following terms, when used in this chapter, shall have the following meanings, unless the context clearly requires otherwise:

(1) "Classified service" means all offices and positions of trust or employment in the service of the City of Savannah except those placed in the unclassified service by this chapter.

(2) "Board" means the City of Savannah Civil Service Board.

(3) "Director" means the City of Savannah Director of Personnel.

(4) "Appointing authority" means the officer, commission, board or body having the power of appointment, employment or election to, or removal from, subordinate positions in any office, department, commission, board of [or] institutions; or any persons or group of persons having the power by virtue of the constitution, statutes, or lawfully delegated authority to make apppointments or employments to positions of employment in the City of Savannah.

(5) "Positions" means any office or place of employment in the City of Savannah.

(6) "Classified employees" means any employee holding a position in the classified service.

(7) "Public hearings" means an opportunity given after public notice of at least five days for any person or persons to appear and be heard on the matter involved. (Ga. L. 1949, p. 584, § 2; Ga. L. 1956, p. 2068, § 1.)

Sec. 1-402. Appointment, removal, compensation and duties of the civil service board.

(1) There is hereby created and established the City of Savannah Civil Service Board which shall consist of three members of known sympathy to the merit system. One member shall be from the labor group. Another member shall be from the business group. The third member shall be from the professional group. No person shall be appointed to the board who is not a citizen of the United States and a resident of Savannah for at least five years preceding such appointment. All of said members shall be appointed to the board by the Mayor subject to the approval of the Board of Aldermen. It shall be and is hereby made the duty of the Mayor and Aldermen of

the City of Savannah to appropriate annually a sufficient sum of money to enable the civil service board of the City of Savannah to properly carry out the purposes of this chapter. One of the three members so appointed shall be designated by the Mayor at the time of appointment to hold office for a term of two years, one of said members shall be designated to hold office for a term of four years, and one shall be designated to hold office for a term of six years. Thereafter, all appointments shall be for a term of six years and the members shall serve until their successors have been appointed and qualified. The members shall annually elect one of their number as chairman of the board. Two members shall constitute a quorum for the conduct of business. Vacancies in the office of said board created by death, resignation, or otherwise, shall be filled by appointment of the Mayor of the City of Savannah for the unexpired term subject to approval by the Board of Aldermen. No member shall hold any lucrative office or employment under the United States government, the City of Savannah or any county government. There is excepted, however, the office of notary public or an office in the military forces.

(2) A member of the board may be removed only for cause and after a public hearing. Such hearing shall be conducted before the Mayor and Aldermen of Savannah at a special or regular meeting of city council and removal shall be by the Mayor of the City of Savannah upon the vote of a majority of the Aldermen present voting at such hearing. The Mayor or presiding officer shall vote only in case of a tie.

(3) The members of the board shall be paid at the rate of ten dollars per diem for time actually devoted to the business of the board, but no member shall be paid for more than twenty-five days of service in any one year.

(4) The board shall keep its office and shall hold its meetings in the city hall, and all of said meetings shall be open to the public. The board shall hold regular meetings at least once quarterly, and as often in addition thereto as the board may provide. It shall be the duty of all officers having charge of public buildings of the city to allow the reasonable use of space and room therein, and to heat and light for the holding of any examinations or investigations provided for by this chapter and in all proper ways to facilitate the work of the board. It shall be the duty of the board as a body:

(a) After public hearing, to adopt, rescind and amend rules and regulations for the administration of this chapter, which, when adopted by the Aldermen and approved by the Mayor, it shall be the

duty of all officials and other employees of the city to which these rules may relate to assist in all proper ways, in carrying said rules and any modifications thereof into effect. Notice of the contents of such rules and of any modifications thereof, shall be given to all appointing officers affected thereby, and such rules and modifications must be printed for public distribution.

(b) To hear and determine the appeals and complaints respecting the administrative work of the director, and such other matters as may be referred to the board by the director.

(c) To make such investigations as may be requested by the Mayor or the Aldermen where general city employees are affected, or on its own motion, and to report thereon.

(d) To keep minutes of its own meetings and such other records as the board may deem necessary.

(e) To examine and approve or modify the annual report prepared by the director and submit such report to the Mayor on or before the first day of February covering the period from January 1 through December 31 of the preceding year, transmitting therewith any suggestions it may approve for the mere effectual accomplishment of the purpose of this chapter.

(f) To provide rules and regulations for preferences for honorably discharged veterans of any war, in conformity with article III, section VII, paragraph XXIV, of the Constitution of the State of Georgia, providing that equal preferences be accorded such veterans as exist under federal civil service laws. (Ga. L. 1949, p. 548, § 3; Ga. L. 1955, p. 2296, §§ 1, 2.)

Sec. 1-403. Appointment, oath, duties generally, etc., of personnel director.

(1) The city manager shall appoint a personnel director. Such director shall be a person competent, trained and experienced in the field of personnel administration and thoroughly in sympathy with the application of the merit system.

(2) He shall take the oath of office prescribed for the Mayor before the chairman, and give bond in the penal sum to be fixed by the Mayor and the Aldermen, for his faithful performance, to be approved by the Mayor.

(3) The director shall hold office during his good behavior but shall be subject to appointment and removal by the city manager.

(4) The director shall be paid a salary not less than four thousand dollars per annum, payable in equal monthly installments.

(5) It shall be his duty:

(a) To attend meetings of the board, to act as its secretary and to record its official actions.

(b) To appoint and supervise any necessary employees and incur necessary expenses for the administration of this chapter within the limits of the appropriation to be provided therefor by the Mayor and the Aldermen.

(c) To prepare, recommend and administer rules and regulations for the proper administration and execution of this chapter, which rules and regulations are to be approved by the board, and the formulation of registers of eligibles; the certification of persons qualified for appointment to the classified service, administrations of appointments, transfers, demotions, promotions, suspensions, lay-offs, re-employments, resignations, dismissals and other matters pertaining to the proper administration of this chapter.

(d) To establish and maintain a roster of all the officers and employees in the employment of the city who are covered by this chapter, showing for each such person the date of appointment, the title of position or positions held, the initial rate of compensation and all changes thereof, and such other data as deemed desirable and pertinent.

(e) To check all payrolls or other compensation for personnel service in the classified service periodically, at such time as the director may deem consistent for the proper administration of this chapter.

(f) To maintain, subject to the approval of the city manager, a classification plan based on the duties, authority and responsibility of positions.

(g) To make such investigations pertaining to personnel, salary scales and employment conditions in the city as he may deem necessary and as may be requested by the board or the city manager.

(h) To require the attendance of witnesses and the production of books, paper[s], public records and other documentary evidence pertinent to any such investigations.

(i) To make an annual report to the board and to the city manager.

(j) To perform any other lawful act required to carry into effect the purposes and spirit of this chapter. (Ga. L. 1949, p. 548, § 4; Ga. L. 1955, p. 2296, §§ 3-7.)

Sec. 1-404. Classification of positions generally.

(a) The personnel director shall prepare and maintain an up-to-date record of the duties and responsibilities of each position in the

classified service. The classification plan, when approved by the city manager, shall be submitted by the city manager to the Mayor and Aldermen and such plan shall take effect when adopted by the Mayor and Aldermen.

(b) After the adoption of the classification plan, the personnel director shall, with the approval of the city manager, allocate each position in the classified service to the appropriate class therein on the basis of its duties and responsibilities. Thereafter, as new positions are created or existing classes are divided, combined, altered or abolished, the director shall, with the approval of the city manager, make such allocations of positions as are necessitated thereby.

(c) Following the adoption of the classification plan and the allocation to classes therein of positions, the class titles set forth therein shall be used to designate such positions in all official records, documents, vouchers, payrolls and communications, and no person shall be appointed to or employed in a position in the classified service under any class title which has not been approved by the director as appropriate to the duties to be performed. (Ga. L. 1955, p. 2296, § 8.)

Sec. 1-405. Composition of unclassified and classified service.

The civil service of the City of Savannah shall be divided into the unclassified service and the classified service.

(1) The unclassified service shall consist of the following:

(a) Officers elected by the people and persons appointed to fill vacancies in such elective offices.

(b) Officers and employees specifically exempted by law.

(c) Members of boards or special commissions appointed by the Mayor for special purposes, who serve without compensation.

(d) All assistants and employees in the department of law.

(e) The executive secretary and such other confidential employees of the Mayor.

(f) Persons temporarily appointed or designated to make or conduct a special inquiry, investigation or examination, where such appointment or designation is certified by the board to be for employment which should not be performed by persons in the classified service.

(g) Election officials.

(h) Heads of departments appointed by the city manager.

(i) Special temporary employees whose employment does not exceed four months' duration in any one year.

(j) Officers and employees of the public libraries and its branches.

(k) Employees of the City of Savannah making a salary of less than one hundred dollars per month.

(l) When more than fifty-one per cent of the officers and employees of the public library and its branches request in writing to the civil service board that the officers and employees of the public library and its branches be placed under the classified service, they shall thereafter be under said classified service.

(2) The classified service shall include all other public officers and employees in the employment of the City of Savannah, now or hereafter employed, and all appointments, employments, suspensions and changes in grade or title in the classified service shall be made and permitted only as prescribed in this chapter, and not otherwise. (Ga. L. 1949, p. 548, § 5; Ga. L. 1956, p. 2068, § 2.)

Sec. 1-406. Status of incumbents.

Any person holding a position in the classified service of the City of Savannah on the effective date, who has been an employee of the City of Savannah for at least ninety days immediately preceding the effective date of this chapter, [8] shall continue to hold such position subject to the provisions of this chapter and shall be deemed to have received a regular appointment in accordance with the provisions of this chapter; provided, that they file [he files] an application with the board within sixty days after the effective date of this chapter, which, among other things, shall include a complete history of their [his] employment record. (Ga. L. 1949, p. 548, § 6.)

Sec. 1-407. Vacancies in classified service generally.

Vacancies in the classified service shall be filled either by regular appointment, temporary appointment, re-employment, promotion, transfer or demotion. The director may advise with appointing authorities as to which of those methods should be employed in each instance, but the decision shall rest with the appointing authority; provided, that appointments may be made only in accordance with the provisions of this chapter. The appointing authority shall fill vacancies in the classified service by promotion as far as deemed practical. (Ga. L. 1956, p. 2068, § 3.)

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8. October 1, 1949.

Sec. 1-408. Certification and appointments generally.

Whenever a vacancy is to be filled by regular appointment, the appointing authority shall submit to the director a statement of the duties of the position and a request that the director certify to him the names of persons eligible for appointment to the position. The director shall immediately certify to the appointing authority the names of the three persons standing highest on the register of such a class in which the position is established and, if more than one vacancy is to be filled, the name of one additional person eligible for each additional vacancy, or all the names on the register, if there be less than three. If it should prove impossible to locate any of the persons so certified or should it become known to the director that any person is not willing to accept the position, the appointing authority may request that additional names be certified until three persons eligible and available for appointment have been certified, if there be as many as three on the register. The appointing authority shall then appoint one of the persons so certified to the position, except that, in the event that he has less than three persons for which to make his selection, he may choose from the remaining certified names or may elect to make a temporary appointment of some other person. In the event that there does not exist any eligible register which the director deems to be appropriate for the class in which the position is established, he shall proceed to prepare such an eligible register as soon as possible, after the receipt of the request of the appointing authority that eligibles be certified. Whenever an eligible has been certified to and rejected by appointing authorities three times, the director, after investigation, may, with the approval of the board, remove the name of such person from the eligible register. All regular appointments to the classified service covered by this chapter shall be for a probationary period of one year. If, during this probationary period, the conduct or capacity of the probationer has not been satisfactory to the appointing authority, the probationer and the director shall be notified in writing that he will not receive permanent appointment, otherwise retention in the service longer than for the probationary period of any employee shall constitute permanent appointment. (Ga. L. 1956, p. 2068, § 4.)

Sec. 1-409. Temporary and provisional appointments.

Whenever it is impossible to certify eligible persons for appointment to a vacancy in the classified service, the appointing authority

may nominate a person to the director. If such nominee is found by the director to have had experience and training which appears to qualify him for the position, he may be temporarily appointed to such vacancy, but only until an appropriate eligible register can be established and an appointment made therefrom; provided that, the director, with the approval of the board, may approve a provisional appointment to fill a technical or professional position which requires specialized knowledge or training and which cannot be filled from the eligible register. In no event shall a temporary appointment be continued for more than six months. Successive temporary appointments of the same person shall not be made; not more than one temporary appointment shall be made to any position within any twelve months period. (Ga. L. 1949, p. 548, § 9.)

Sec. 1-410. Competitive examinations generally.

Each eligible register shall consist of a list of all the persons who have shown by competitive examinations that they possess the qualifications which entitled them to be considered eligible for appointment to any position in the class for which the eligible register is to be prepared. The examinations must take into consideration elements of character, education, aptitude, experience, knowledge, skill, personality, physical fitness, and other pertinent matters and may be oral or written. Such examinations shall be competitive, free and open to all persons, citizens of Chatham County, who may be lawfully appointed to any position in the class for which they are held, with such limitations as to age, health, habits, character and other qualifications as may be considered desirable by the director and specified in the public announcement of the examination. Notice of the time, place and general scope of every test shall be given by the board by advertising twice for one week preceding the examination in a newspaper of general circulation published in the City of Savannah. Competitive examinations to determine the qualifications of persons who seek employment as ordinary unskilled laborers shall not be required. The board shall designate a class to be known as the "labor class" which shall include all ordinary unskilled laborers. All other matters pertaining to ordinary unskilled laborers shall be governed by this chapter. (Ga. L. 1955, p. 2296, § 10.)

Sec. 1-411. Rating of examination papers; terms of eligibility.

Examination papers shall be rated on the scale of one hundred, and the subject therein shall be given such relative weights as may be prescribed. In rating these papers, no person shall wilfully or corruptly make any false mark, grade, estimate or report on the examination or proper standing of any person examined under this chapter, or wilfully or corruptly make any false representation concerning the same or concerning the persons examined, or wilfully or corruptly furnish to anyone special or secret information for the purpose of improving or injuring the chances of appointment or promotion of any person examined. All competitors rated seventy or more shall be eligible for appointment, and their name shall be placed on the proper register according to their attained rating. The term of eligibility shall be one year, commencing with the date on which the name of the eligible is entered on the register. This term may be extended in the discretion of the director for all those on any register when conditions of good administration render it inexpedient to hold a new examination. (Ga. L. 1949, p. 548, § 11.)

Sec. 1-412. Promotion of employees.

Promotion of employees covered by this chapter shall be made only according to merit and fitness and must be ascertained by competitive examinations, regardless of the number of applicants seeking promotion. Such examinations shall be conducted by the director, who shall certify the three highest examinees to the appointing authority who shall appoint one of the examinees. Any classified employee promoted to any other classified position shall serve a probationary period of twelve months during which time he may be demoted to his former position without right of appeal to the civil service board. (Ga. L. 1956, p. 2068, § 5.)

Sec. 1-413. Re-employment in classified service.

(1) Whenever any employee in the classified service, who has been performing his duties in a satisfactory manner as shown by the records of the department or other agency in which he has been employed, is laid off because of lack of work or lack of funds, or has been on authorized leave of absence and is ready to report for duty when a position is open, or has resigned in good standing and

with the consent of the director and the head of the department under whose jurisdicion he was employed, and has withdrawn his resignation without being restored to his position, the director shall cause the name of such employee to be placed on the re-employment list for the appropriate class for re-employment within three years thereafter when vacancies in the class occur. The order in which names shall be placed on the re-employment list for any class shall be in the order according to dates of application for re-employment. No person shall be reinstated or have his name restored to a re-employment list unless such resignation is withdrawn within three years after it has been presented and accepted.

(2) When a vacancy exists which the appointing authority has decided to fill by re-employment, the appointing authority shall submit to the director in such form as may be prescribed by the board a request that the director certify to him the names of persons eligible for re-employment in the class in which the vacant position is established. The director shall immediately certify to the appointing authority the names of persons on appropriate registers. (Ga. L. 1949, p. 548, § 13.)

Sec. 1-414. Transfer of employees.

An appointing authority may, at any time, transfer any classified employee under his jurisdiction from one position to another in the same classification; provided, that the director has authorized the transfer of the employee from one department to another and has received approval of both appointing authorities concerned. In every such case, the appointing authority shall give written notice of this action to the director. No transfer shall be made to a competitive position in the classified service above the lowest grade, unless the appointing authority shall certify to the director, who shall make proper investigation in connection therewith, that the position involved cannot be adequately filled by promotion from the personnel in the respective department. (Ga. L. 1949, p. 548, § 14.)

Sec. 1-415. Demotion of employees.

An appointing authority may, in accordance with the rules and regulations established by the board, demote for cause a classified employee under his jurisdiction from a position in one class to a position in a lower class, but only after the employee involved and

the director have been notified in writing of such contemplated action. Any employee holding a permanent civil service status who is demoted by any appointing authority may appeal his or her demotion to the board for consideration and review. The board may, in its discretion, restore any employee who has been demoted. (Ga. L. 1956, p. 2068, § 6.)

Sec. 1-416. Suspension of employees.

Any appointing authority may suspend a subordinate in the classified service for cause and may recommend to the board that he be dismissed from the service or recommend suspension, demotion or transferral. Such appointing authority shall, within twenty-four hours of such suspension, file with the board a copy of the written notice furnished the employee so suspended, setting forth in detail the reason for such action and his recommendations in the premises. The dismissed employee, if holding a permanent civil service status, shall have an opportunity to answer the charges in writing within ten days and to file with the board affidavits in support of such answer. All papers filed in the case shall be subject to inspection by the persons affected. It shall then be the duty of the board, upon an investigation and a hearing thereon, to either approve or disapprove the suspension by the appointing authority and, where recommendations are made, to either approve or disapprove such recommendations, with authority, where the cause is shown, to suspend the employee for any period of time it may designate; or reinstate the employee to his former status and, in their discretion, with authority to direct payment of salary during such period of suspension preceding the trial; or to transfer, demote or dismiss said employee. Provided, however, that the board, within thirty days from any action removing, demoting, suspending or accepting the resignation of any officer or employee, may, on its own motion or on the motion of any party, re-open the case and vacate, modify or revise its former order so as to lessen but not increase the penalty imposed, but after the end of such thirty days, the board shall not have any authority to re-open such case for any cause. Where an appointing authority has adopted or hereafter adopts a rule for the compulsory retirement of all of its employees upon their reaching an age provided by such appointing authority, the provisions of this section shall be subject to any such rule of such appointing authority. (Ga. L. 1956, p. 2068, § 7.)

Sec. 1-417. Lay-offs and leaves of absence.

An appointing authority may lay off a classified employee whenever he deems it requisite due to unusual conditions or shortage or stoppage of work or funds. In every case of this kind, the appointing authority shall, before the effective date thereof, give written notice of his contemplated action to the employee involved and the director. Any person who has been appointed to a position in the classified service, or who shall have attained a civil service status under the provisions of this chapter, other than a temporary or provisional appointee, and who has been laid off for the reasons stated in this section, shall have his name placed on an appropriate re-employment register. Leave of absence for a period not to exceed eleven consecutive months in any twelve months' period may be granted to any employee without pay upon request of the employee when approved by the appointing authority and the director notified in writing. (Ga. L. 1956, p. 2068, § 8.)

Sec. 1-418. Dismissal of employees.

Any appointing authority may dismiss a subordinate in the classified service for cause, upon filing with the board [a] copy of written notice furnished the employee to be removed, setting forth in detail the reasons for such action, before the effective date of such removal. The dismissed employee, if holding a permanent civil service status, shall have an opportunity to answer the charges in writing within ten days, and to file with the board affidavits in support of such answer. All papers filed in the case shall be subject to inspection by the persons affected. Such action of the appointing authority shall be final, except the board may reinstate an officer or employee so removed in case it appears, after proper hearing, that the removal was made for personal, political or religious reasons and not justified. The board may, after proper investigation of the circumstances surrounding the dismissal and the fairness thereof, approve the transfer or re-employment of the employee involved either to the same position, if approved by the appointing authority, or to a lower position as the board may direct. Provided, however, the board, within thirty days from an action removing, demoting, suspending or accepting the resignation of any officer or employee, may, on its own motion or on the motion of any party, reopen the case and vacate, modify or revise its former order so as to lessen, but not increase, the penalty imposed, but, after the end of such thirty days, the board shall not

have any authority to reopen such case for any cause. Where an appointing authority has adopted or hereafter adopts a rule for compulsory retirement of all of its employees upon their reaching an age provided by such appointing authority, the provisions of this chapter, shall be subject to any such rule of such appointing authority. (Ga. L. 1956, p. 2068, § 9.)

Sec. 1-419. Refusal to examine or certify an applicant.

Whenever the director refuses to examine an applicant or, after examination, to certify an eligible, as provided in this chapter, then said director, if requested by the person so rejected, shall give to him a full and explicit statement of the exact cause for such refusal to examine or certify, as the case may be. The person so rejected may ask for a review of the case by the board, which shall be granted, and said board, by a majority vote, shall have power to render a final decision in writing to the person asking for the review. Such decision of the board shall be binding on all concerned. (Ga. L. 1949, p. 548, § 19.)

Sec. 1-420. Political activities and recommendations.

In applying the provisions of this chapter or in doing any of the things hereby provided, no person whosoever shall give any consideration to political or religious affiliations. No person holding a position in the classified service shall directly or indirectly solicit or receive in any manner or be concerned with soliciting or receiving any assistance or subscriptions or contributions for any political purpose, or participate in any form of political activity whatsoever, other than to express privately his views as a citizen and to cast his vote in any election. No recommendation for any person who applies for office or position in the classified service, or for examination under the provisions of this chapter, except as to character and, in case of former employers, as to ability, shall be considered by the board or the director or the appointing authority, in giving any examination, appointment, promotion or reinstatement under this chapter. (Ga. L. 1949, p. 548, § 20.)

Sec. 1-421. Residence of employees.

(a) Positions in the classified service shall be filled by citizens of Chatham County who have been residents of Chatham County for at least six months immediately preceding the date of examination.

At the discretion of the board, residence requirements may be waived for any classification whenever a sufficient number of candidates cannot readily be obtained from legal residents of Savannah or Chatham County. Removal of residence outside of Chatham County may be grounds for removal unless permission to remove is granted by the board and approved by the city manager.

(b) Employees in the unclassified service, including the city manager, shall, during their tenure of office, reside in Chatham County but need not reside within the city limits. (Ga. L. 1956, p. 2068, § 10.)

Sec. 1-422. Oath of board and employees.

The board and all employees in the classified service shall take the oath of office as prescribed for the Mayor. The board and the director are authorized to administer oaths. (Ga. L. 1949, p. 548, § 24.)

Sec. 1-423. Certification prerequisite to placement on payroll.

No employee within the classified service shall be placed on the payroll of the City of Savannah until the personnel director has properly certified the individual to the position. (Ga. L. 1949, p. 548, § 25.)

Sec. 1-424. Violations of chapter.

Any person in the classified service violating any of the provisions of this chapter may be dismissed from the classified service.

Any person who shall wilfully or corruptly violate any of the provisions of this chapter shall be guilty of a misdemeanor and shall, on conviction thereof, be punished as for a misdemeanor prescribed by the laws of Georgia, and if such convicted person be in the classified service, he shall be dismissed therefrom and shall not be eligible for reappointment, reinstatement or re-employment for a period of three years or more, from the date of such conviction. (Ga. L. 1949, p. 548, §§ 22, 23.)

Chapter 1-5. Courts.

Article I. Police Court.

§ 1-501. Established and declared a court of record.
§ 1-502. Continued as court of record; jurisdiction generally.
§ 1-503. Daily sessions; to be presided over by recorder.
§ 1-504. Qualifications of recorder.
§ 1-505. Elections for recorder.
§ 1-506. When recorder to enter into office and take oath.
§ 1-507. Clerk.
§ 1-508. Deputy clerk.
§ 1-509. Clerk of council and marshal as court officers.
§ 1-510. Ministerial officers.
§ 1-511. Broadcast of proceedings prohibited.
§ 1-512. Presiding officer in absence of recorder generally.
§ 1-513. Recorder pro tem.
§ 1-514. Minimum salary of recorder.
§ 1-515. Authority to commit offenders to jail and admit them to bail.
§ 1-516. Imprisonment of women.
§ 1-517. Subpoenas for parties and witnesses.
§ 1-518. Imposition of fines and punishment for contempt.
§ 1-519. Issuance and execution of warrants.
§ 1-520. Jurisdiction of prosecutions for violations of county ordinances, rules, etc.
§ 1-521. Suspension, modification, etc., of penalties.
§ 1-522. Appeals to city council.
§ 1-523. Certiorari.
§ 1-524. Appearance bond when state law violated.
§ 1-525. Forfeiture of bonds—Generally.
§ 1-526. Same—In county cases.
§ 1-527. Indeterminate confinement of diseased persons.
§ 1-528. Dockets.
§ 1-529. Jurisdiction of cases under Highway Patrol Act, etc.

Article II. Municipal Court.

Division 1. Generally.

§ 1-530. Created.
§ 1-531. Territorial jurisdiction.
§ 1-532. Jurisdiction as to civil and criminal matters generally.
§ 1-533. Jurisdiction as to peace and good behavior warrants.
§ 1-534. Jurisdiction to foreclose liens.
§ 1-535. Powers and duties of clerk generally.
§ 1-536. Powers and duties of sheriff generally.
§ 1-537. Salaries of clerk and sheriff.

§ 1-538. Bond of clerk, sheriff and their deputies.
§ 1-539. Clerk, sheriff, etc., not to receive fees for own use.
§ 1-540. Vacancies in office of clerk or sheriff; terms.
§ 1-541. Deputy clerks and sheriffs generally.
§ 1-542. Procedure, pleading, etc., generally.
§ 1-543. Applicability of law relative to justices of the peace.
§ 1-544. Place of holding court; furniture and other equipment.
§ 1-545. Books to be furnished by state librarian.
§ 1-546. Terms.
§ 1-547. When suits may be filed and served.
§ 1-548. When suits may be served by mail.
§ 1-549. When answers to garnishments may be filed.
§ 1-550. Attachments.
§ 1-551. Issuance and execution of summonses, writs, etc.
§ 1-552. Service of warrants.
§ 1-553. Levy of executions.
§ 1-554. Demurrers and special pleas; verification of answers.
§ 1-555. Calling of appearance docket.
§ 1-556. Assignment and dismissal of cases.
§ 1-557. Trial by jury generally.
§ 1-558. Right of appeal to jury.
§ 1-559. List of jurors; drawing jurors.
§ 1-560. Number of juries and jurors.
§ 1-561. Qualifications, impaneling, etc., of jurors.
§ 1-562. Compensation of jurors.
§ 1-563. Costs—Deposit generally.
§ 1-564. Same—Deposit when suit involves one to three hundred dollars.
§ 1-565. Same—Schedule.
§ 1-566. Same—For jury in appeal cases.
§ 1-567. Same—Record and disposition.
§ 1-568. Default judgments—In cases involving one hundred dollars or less.
§ 1-569. Same—In cases involving more than one hundred dollars.
§ 1-570. Effect of judgments executions, etc.
§ 1-571. Motions for new trial.
§ 1-572. Appeals to superior court.
§ 1-573. Bills of exception to court of appeals or supreme court.

Division 2. Judges.

§ 1-574. Generally.
§ 1-575. Election and terms.
§ 1-576. Powers generally.
§ 1-577. Qualifications.
§ 1-578. Oath.
§ 1-579. Entire time to be devoted to duties.
§ 1-580. Vacancies.

§ 1-581. Power to punish for contempt.
§ 1-582. Salaries—Of chief judge.
§ 1-583. Same—Of associate judge.
§ 1-584. Same—To be exclusive compensation.
§ 1-585. General powers of chief judge.
§ 1-586. Right of chief judge to preside over City Court.
§ 1-587. Authority of chief judge to grant leaves of absence and appoint judge pro tem.
§ 1-588. Duties of chief judge relative to costs.
§ 1-589. Rules.
§ 1-590. Impeachment.
§ 1-591. Judge pro hac vice.

Article III. City Court.

Division 1. Generally.

§ 1-592. Name and style.
§ 1-593. Jurisdiction generally.
§ 1-594. Jurisdiction of claim cases; foreclosure of mortgages.
§ 1-595. Applicability of laws governing court of common pleas and oyer and terminer.
§ 1-596. Sessions.
§ 1-597. Clerk generally—Salary; fee system abolished.
§ 1-598. Same—Authority to issue distress warrants, etc., and accept and approve bonds.
§ 1-599. Same—Not required to prepare and transmit record in certain cases.
§ 1-5100. Same—County subrogated to clerk's rights to funds and emoluments.
§ 1-5101. Sheriff generally—Salary; fee system abolished.
§ 1-5102. Same—County subrogated to sheriff's rights to funds and emoluments.
§ 1-5103. Same—Service of process.
§ 1-5104. Election, bond, etc., of clerk and sheriff.
§ 1-5105. Terms of clerk and sheriff.
§ 1-5106. Deputy clerks and other clerical assistants.
§ 1-5107. Bailiffs; stenographer.
§ 1-5108. Reporter.
§ 1-5109. Payment of salaries generally.
§ 1-5110. Grand jury abolished.
§ 1-5111. Jury lists and jurors generally.
§ 1-5112. Locking of jury boxes; drawing of jurors.
§ 1-5113. Filing of demurrers, pleas, etc.; defaults.
§ 1-5114. Suits against nonresident codefendant.
§ 1-5115. Attachments.
§ 1-5116. Trials and hearings not to be stayed or discontinued because of new session.

§ 1-5117. New trials.
§ 1-5118. Costs and fees generally.
§ 1-5119. Filing fee; transfer of case to Municipal Court.
§ 1-5120. Divisions.

Division 2. Judge.

§ 1-5121. Election generally.
§ 1-5122. Qualifications.
§ 1-5123. Term of office.
§ 1-5124. Salary.
§ 1-5125. Not to practice law.
§ 1-5126. Vacancies in office.
§ 1-5127. Absence of judge.
§ 1-5128. Powers relative to habeas corpus.
§ 1-5129. Judge to preside and have complete jurisdiction; chief judge of Municipal Court presiding as ex officio judge.

ARTICLE I. POLICE COURT.

Sec. 1-501. Established and declared a court of record.

The police court of the City of Savannah is hereby established and declared a court of record. (Ga. L. 1849-50, p. 83, § 1.)

Sec. 1-502. Continued as court of record; jurisdiction generally.

The police court of the City of Savannah is hereby continued a court of record, and shall have jurisdiction to try all offenses against the laws and ordinances of the municipal government of the City of Savannah committed within the corporate limits of said city and within three miles thereof, and extending into the County of Chatham, and to punish for the violation of such laws and ordinances by inflicting such punishments as may be provided by law. The jurisdiction of said police court shall further extend to the investigation of any charge involving a violation of the laws of the State of Georgia, when such charge is entered upon the docket of said court, and when the offense is alleged to have been committed within the City of Savannah, or within the County of Chatham. (Ga. L. 1906, p. 1033, § 1.)

Sec. 1-503. Daily sessions; to be presided over by recorder.

Said police court shall hold daily sessions, Sundays excepted, and

said court shall be presided over by a recorder. (Ga. L. 1906, p. 1033, § 2.)

Sec. 1-504. Qualifications of recorder.

Said recorder [of the police court] shall not be less than twenty-one years of age, shall have resided for four years next preceding his election in the City of Savannah and shall be a lawyer in good standing. (Ga. L. 1906, p. 1033, § 2.)

Sec. 1-505. Elections for recorder.[9]

The elections for recorder of the police court of the City of Savannah shall be held on the first Tuesday in August of each fourth year, beginning with the year 1958; i.e., the next election for such recorder shall be held on the first Tuesday in August, 1958, and the next election thereafter shall be held on the first Tuesday in August, 1962, and so on each succeeding fourth year thereafter. (Ga. L. 1956, p. 2030, § 2.)

Sec. 1-506. When recorder to enter into office and take oath.

The recorder elected on the first Tuesday in August, 1958, shall enter into office and take the oath prescribed for other officers of the City of Savannah on the second Monday following the second Tuesday in January, 1959.

The term of the recorder elected on the first Tuesday in August, 1958, shall expire at noon on the first Monday in October, 1962.

The recorder elected on the first Tuesday in August, 1962, and on the same day of each succeeding fourth year thereafter, shall enter into office and take the oath prescribed for other officers of the City of Savannah, on the first Monday in October following such election; the purpose of this enactment being to make the term of office of such recorder expire in October rather than in January, commencing after the expiration of the term of office of the present incumbent. (Ga. L. 1956, p. 2030, §§ 3-5.)

Sec. 1-507. Clerk.

The clerk of the police department of the City of Savannah shall, by virtue of his office, be the clerk of the police court of said city, and

9. As to elections generally, see ch. 1-7.

he shall, in addition to his other duties, attend the sessions of said court and serve as clerk thereof. Such clerk shall administer oaths, shall sign and issue all subpoenas, processes and summons issuing out of said court, all of which shall bear attest in the name of the recorder; and he shall also attest all orders and commitments issuing out of said court and signed by the recorder or other presiding officer. Said clerk shall also do and perform all acts and duties heretofore required of the clerk of council of Savannah in connection with the police court of said city. When this Act shall have been passed and approved, the office of clerk of the police department will be vacated, and the city council of Savannah will elect a person to fill the same who shall be a city officer, and who will hold the said office for the unexpired term; that is to say, up to the time when the officers of the city are regularly elected by the Mayor and Aldermen of the City of Savannah, and the term of office and salary of said official, to be hereafter known as clerk of the police department shall be such as may be fixed by the city council of Savannah, and he shall perform the duties of clerk of the police court, and such other duties as may be put upon him by the city council of Savannah. He shall keep the dockets and indexes of the police court, shall collect and remit to the city treasurer fines imposed therein; shall report immediately in writing to the city attorney each certiorari bond given; shall attend to the forfeiture of all conveyances; and shall keep the records and filing system of the police department. Before entering on the duties of his office, the said clerk of the police department shall subscribe to an oath, before the Mayor or acting Mayor of the City of Savannah, that he will well and faithfully discharge the duties of his office, and will truly account for all public monies committed to his care, and shall also file with the clerk of council a bond, payable to the Mayor and Aldermen of the City of Savannah, with a surety company regularly doing business in Georgia, and approved by said clerk of council, as surety, said bond to be in the sum of three thousand dollars, the premium on which will be paid by the Mayor and Aldermen of the City of Savannah, and will be conditioned that said clerk of the police department and ex officio clerk of the police court will truly and faithfully discharge all of the duties pertaining to said office, and will well and faithfully pay into the city treasury of Savannah all of the monies which may come into his hands belonging to the municipality. (Ga. L. 1906, p. 1033, § 8.)

Sec. 1-508. Deputy clerk.

The Mayor of the City of Savannah in case of absence or disability of the clerk of police court is hereby authorized to designate some city employee to act as a deputy clerk for said police court, who shall have all the power and authority of the clerk of said court while acting in said court as such deputy clerk. (Ga. L. 1921, p. 1075, § 14.)

Sec. 1-509. Clerk of council and marshal as court officers.

The clerk of the council of the City of Savannah and the marshal of the city are hereby constituted officers of the police court of said city and they are hereby authorized to demand and receive, for services rendered or duties performed in said court, such fees and costs for themselves, to be collected out of the defendants, as may be established by any present or future ordinance of said city. (Ga. L. 1849-50, p. 83, § 2.)

Sec. 1-510. Ministerial officers.

The ministerial officers of said police court shall be the superintendent (or chief) of police of the City of Savannah, and the other officers and members of the police force of said city, any of whom may execute the mandates of said court and to whom, in the alternative, all mesne and final process thereof shall be directed. (Ga. L. 1906, p. 1033, § 9.)

Sec. 1-511. Broadcast of proceedings prohibited.

The recorder of the police court of the City of Savannah shall not permit radio broadcasts of the proceedings of said court to be made at any time when said court is in session; nor shall he permit any records, wire or tape recordings made of the proceedings and/or hearings of said court for the purpose of making public radio broadcasts of said proceedings. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction in a court of competent jurisdiction, shall be punished as a misdemeanor as in such cases provided by law. (Ga. L. 1949, p. 545, §§ 1, 1-A.)

Sec. 1-512. Presiding officer in absence of recorder generally.

In the absence or disability of the recorder, the presiding officer of said police court shall be any Alderman of the City of Savannah designated for such purpose by the Mayor or acting Mayor of said city, and who shall, while presiding in said court, have the same power and authority as the recorder. (Ga. L. 1906, p. 1033, § 2.)

Sec. 1-513. Recorder pro tem.[1]

The Mayor and Aldermen of the City of Savannah may, by ordinance, provide for a recorder pro tem. for the police court of Savannah, to preside in said court in the absence or disability of the recorder, and to fix a salary for such recorder pro tem. while so presiding in said court, and to provide for the qualifications of such recorder pro tem. And said recorder pro tem. shall have all the powers and authority of the recorder of said court while acting in the absence or disability of said recorder; providing, that nothing herein shall be held to repeal or modify the existing provisions of laws with reference to the authority of an Alderman of the City of Savannah to preside as recorder in said police court upon designation by the Mayor during the absence or disability of the recorder. (Ga. L. 1927, p. 1526, § 8.)

Sec. 1-514. Minimum salary of recorder.

The salary of the recorder of the police court of the City of Savannah, beginning with the term of the said official when elected at the regular municipal election to be held in said city in January, 1930, shall not be less than $3,600.00 per year. (Ga. L. 1929, p. 1281, § 1.)

Sec. 1-515. Authority to commit offenders to jail and admit them to bail.

Said recorder or other presiding officer of said police court, as such ex officio justice of the peace, shall have power and authority to commit to the jail of Chatham County offenders against the laws of said state, and to admit them to bail, in bailable cases, for their appearance at the next term of a court of competent jurisdiction to

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1. For ordinance provisions relative to the recorder pro tem., see §§ 3-801 to 3-804.

be held in and for the County of Chatham, after legal investigation. (Ga. L. 1906, p. 1033, § 4.)

Sec. 1-516. Imprisonment of women.

Wherever any woman may be convicted in said police court of a violation of any ordinance of the City of Savannah, the recorder of said court shall have the authority to provide that any term of imprisonment imposed upon any such woman shall be served by confinement of such woman at the Woman's Department of the State Farm at Milledgeville. (Ga. L. 1921, p. 1075, § 13.)

Sec. 1-517. Subpoenas for parties and witnesses.

Upon information or complaint lodged with any officer or member of the police force of Savannah or with the clerk of said police court, any person within the limits of Chatham County charged with the violation of any municipal ordinance of the City of Savannah, or of any law of the State of Georgia, may be brought before the said police court to answer such charge, by the service upon such a person of a subpoena from said court, setting forth the nature of the charge and the time of the hearing; and the recorder, or other presiding officer of said court, shall have the power to punish any person disobeying such a subpoena as for contempt of court, within the limits of punishments prescribed in section 1-518 of this Code. Any person desired as witness in any case or charge pending in said court may be compelled to attend any session of said court by service upon such person at any place within the limits of Chatham County of a subpoena from said court, setting forth the name of the case and the time of the hearing; and the said recorder, or other presiding officer of such court, shall have the power to punish as for contempt of court any person failing or refusing to obey such subpoena, within the limits of punishment prescribed in said section 1-518. Any person who may be charged with contempt of court, as herein defined and provided for, may be arrested anywhere in the limits of Chatham County by an attachment in writing, or warrant, signed by such recorder or other presiding officer of said court, by any officer or member of the police force of said city. (Ga. L. 1906, p. 1033, § 7.)

Sec. 1-518. Imposition of fines and punishment for contempt.

Said recorder or other presiding officer of said police court shall have the power to impose fines and inflict punishments for the violation of valid laws and ordinances of the City of Savannah, within the limits prescribed by law, and said recorder of other presiding officer shall also have the same power as judges of the superior courts of this state to punish for contempt. (Ga. L. 1906, p. 1033, § 4.)

Sec. 1-519. Issuance and execution of warrants.

Said recorder or other presiding officer of said police court shall be, to all intents and purposes, a justice of the peace, so far as to enable him to issue warrants for offenses committed within the City of Savannah, or within the limits of Chatham County, either before or after a hearing of the charge in said police court, which warrant may be executed by any member of the police force of said city. (Ga. L. 1906, p. 1033, § 4.)

Sec. 1-520. Jurisdiction of prosecutions for violations of county ordinances, rules, etc.

The recorder's [police] court of the City of Savannah shall have the jurisdiction to try and dispose of all prosecutions brought to said court for the violation of any ordinance, rule or regulation of the commissioners of Chatham County and ex officio judges, just as it has in case of violation of the municipal ordinances of said city, and the authority to inflict such penalties on persons convicted of violating any such ordinance, rule or regulation as are prescribed, and where none is prescribed, the penalty prescribed in said city's ordinances for disorderly conduct. (Ga. L. 1925, p. 1440, § 15.)

Sec. 1-521. Suspension, modification, etc., of penalties.[2]

As to sentences imposed by said police court, the recorder shall have the right, as to such as may have been imposed him, to suspend, vacate or reduce fines which have not been paid and terms of imprisonment for legal grounds, in his best judgment and discretion, and the same shall apply to sentences of said court pronounced, respectively, by the Mayor presiding or by an Alderman presiding,

2. For ordinance provisions relative to penalties generally, see § 2-105.

it being the intention hereof to give the officer who pronounces the sentence power to vacate, alter or modify the same, when for good and legal reasons he may be convinced that such course is consistent with justice; but, as to fines which may have been paid by persons convicted in said court, the same shall not be refunded, in whole or in part, to the person so paying the same, except by action of city council of Savannah; provided, however, that no sentence of fine or imprisonment imposed in said court by anyone presiding therein shall be suspended, vacated, reduced or modified except upon good cause shown in an open session of said police court. (Ga. L. 1947, p. 933, § 1.)

Sec. 1-522. Appeals to city council.

The city council shall have the right to review, revise, amend, decrease, suspend or remove any sentence imposed by the recorder or person presiding in his stead, by a majority vote of the entire membership of council, the Mayor having the right to vote, upon appeal to be made to the meeting of council held next after the judgment and sentence of the court, and council shall not postpone action on such appeal for more than one meeting. In case appeal is made where a fine is imposed, the fine shall be paid before the defendant is released. If the defendant is imprisoned without an alternative fine, the defendant shall be released upon placing a cash bond with the clerk of police court in a sum to be fixed by the recorder, not to exceed five hundred dollars, which shall be forfeited to the City of Savannah if the defendant does not appear in the recorder's court to abide the judgment of council on his appeal by nine o'clock of the day next after action is taken by the said city council. This appeal shall in no wise affect the right of certiorari directly from the decision of the recorder to the superior court. (Ga. L. 1924, p. 681, § 1.)

Sec. 1-523. Certiorari.[3]

The right of certiorari from the decision and judgment of the recorder or other presiding officer of said police court shall exist in all cases and shall be exercised under the provision of the laws of the State of Georgia in such cases made and provided. (Ga. L. 1906, p. 1033, § 9.)

3. For ordinance provisions relative to certiorari, see § 2-109.

Sec. 1-524. Appearance bond when state law violated.

In all cases where persons are arrested by the police force of the City of Savannah, charged with an offense against the statutes of the State of Georgia, and bail is given, the bond for the appearance of such person or persons shall be made returnable to the court in said county and state which has jurisdiction to try the offenses charged, and such person or persons shall be served, at the time such bond is given, with a subpoena for appearance in police court at the preliminary hearing of the offense charged. (Ga. L. 1906, p. 1033, § 13.)

Sec. 1-525. Forfeiture of bonds[4]**—Generally.**

In any case where any person has deposited a sum of money as a bond for the appearance in police court of a person charged with an offense which said court has jurisdiction to try, such sum of money shall be forfeited by the owner thereof and be paid over by the clerk of the said court to the city treasurer as the property of the City of Savannah, in the event the party does not appear at the time appointed, for whose appearance such sum of money was deposited as a bond.

When any bond is given by any person charged with any offense against the ordinances of said city, for his or her appearance at any session of the police court of Savannah, and such person so giving bond shall fail to appear at the time appointed in said bond for his or her appearance, then the clerk of said police court shall issue a scire facias, which shall be served by any policeman of said city, two days before the return thereof, against the principal and his or her surety or sureties, calling on them to show cause within five days from the date of said scire facias in said police court, why said bond should not be forfeited, and if, at the return time of said scire facias in said court, no sufficient cause be shown to the contrary, judgment shall be entered upon said bond against said principal and his or her sureties. On the entering of judgment on any such bond, the clerk of the police court shall issue execution against the principal on said bond and his or her surety or sureties, in conformity to said judgment, and the same shall be placed in the hands of the city marshal of said city, who shall proceed to collect the same as other executions in favor of said city are collected.

4. For ordinance provisions relative to forfeiture of supersedeas bonds, see § 2-109.

The Mayor and Aldermen of the City of Savannah shall have full power and authority to pass any and all ordinances, rules and regulations necessary to properly carry into effect the powers herein granted and conferred. (Ga. L. 1906, p. 1033, §§ 11-14.)

Sec. 1-526. Same—In county cases.

When any bond is given by any person charged with any offense against any ordinance, rule or regulations of Chatham County, for his or her appearance at any session of the recorder's or police court of Savannah, and such person so giving bond shall fail to appear at the time appointed in said bond for his or her appearance, then the clerk of said recorder's or police court shall issue a scire facias, which shall be served by any policeman of said county, two days before the return thereof, against the principal and his or her surety or sureties, calling on them to show cause within five days from the date of said scire facias in said court, why said bond should not be forfeited, and if at the return time of said scire facias in said court no sufficient cause be shown to the contrary, judgment shall be entered upon said bond against said principal and his or her sureties. On the entering of judgment on any such bond, the clerk of the said court shall issue execution against the principal on said bond and his or her surety or sureties, in conformity to said judgment, and the same shall be placed in the hands of the sheriff of Chatham County, Georgia, or his lawful deputy, who shall proceed to collect the same as other executions placed in their hands are collected. (Ga. L. 1925, p. 1440, § 16.)

Sec. 1-527. Indeterminate confinement of diseased persons.

Whenever any defendant is convicted of any offense in the police court of Savannah carrying a sentence of confinement, and it shall appear to the satisfaction of the court that such defendant so convicted is suffering from a venereal or communicative disease, such as would endanger the health of the public, or be a menace to society should the defendant be released without cure, then and in such event the court shall be empowered, in addition to the sentence prescribed by municipal ordinance, to impose an indeterminate sentence upon the defendant, to run not more than twelve months, and the defendant so convicted shall be treated by the health officers of Chatham County for such disease at the place of

confinement, or placed by the proper authorities in a proper institution for treatment; provided, that the prisoner may be released at any time by the said court upon showing that the prisoner has been cured or that proper arrangements have been made to effect a cure outside the place of confinement. In releasing the prisoner, the court may impose such terms as will insure the cure of the prisoner and the safety of society. (Ga. L. 1924, p. 681, § 2.)

Sec. 1-528. Dockets.

There shall be kept in said police court one or more dockets, upon which the names of all persons arrested by the officers and members of the police force of the City of Savannah, any offense against the municipal or state laws, and of all persons summoned before said court by a subpoena issued therefrom, to answer for the violation of any ordinance of the City of Savannah, or of any state law, shall appear, together with the names of the witnesses against them, respectively, and a clear and succinct statement of the offenses, respectively, with which they may be charged. Upon the trial of such persons, the sentences respectively imposed, or the respective dispositions of the cases, shall be entered, in writing, opposite the name and charge, by the recorder, or other presiding officer of such court, which respective entries, together with the commitment in writing, signed by the recorder, or other such presiding officer, attested by the clerk of said court, shall constitute the judgment of the police court in such respective cases. (Ga. L. 1906, p. 1033, § 6.)

Sec. 1-529. Jurisdiction of cases under Highway Patrol Act, etc.

The recorder of the City of Savannah, sitting as judge of the police court of Savannah, shall have authority and jurisdiction to try all cases arising under the Act of the Legislature of Georgia of 1937, known as the State Highway Patrol Act; and shall also have authority and jurisdiction to take pleas of guilt in misdemeanor cases and pass judgment thereon where the defendant is brought before him on commitment hearing and waives the right to a trial in the city or superior courts. Provided, that all fines from state offenses shall be paid into the county treasury. (Ga. L. 1937, p. 2095, § 8.)

ARTICLE II. MUNICIPAL COURT.

Editor's note.—By Acts 1952, p. 2756, § 2, the number of judges of the Municipal Court was reduced from one chief judge and two associate judges to one chief judge and one associate judge. By Acts 1955, p. 3294, § 2, the titles of the bailiff and a deputy bailiff of the Municipal Court were changed to sheriff and deputy sheriff. Throughout this article, changes in terminology have been made in the provisions enacted prior to the above acts as so as to reflect these changes.

Division 1. Generally.

Sec. 1-530. Created.

Effective January 1st, 1916, all justices' courts and the office of justice of the peace and of notary public ex officio justice of the peace in the City of Savannah, and the office of constable in the City of Savannah, be and the same are hereby abolished and, in lieu thereof, the Municipal Court of Savannah is hereby created and established with the jurisdiction, judges and officers hereinafter provided. (Ga. L. 1915, p. 124, § 1.)

Sec. 1-531. Territorial jurisdiction.

The territorial jurisdiction of said Municipal Court of Savannah shall be co-extensive with the corporate limits of the City of Savannah as same now or may hereafter be and, in addition thereto, the said court shall have territorial jurisdiction over that part of the County of Chatham not located in the corporate limits of the City of Savannah.

The justice courts and the office of justice of the peace and notary public ex officio justice of the peace are abolished in Chatham County; this enactment being made to carry into effect the provisions of the amendment to article 6, section 7, paragraph 1, of the Constitution of this state, approved August 20, 1927 (Georgia Laws, 1927, page 117), and ratified November 6, 1928 (Code of 1933, section 2-3501); the territorial jurisdiction formerly exercised by justice courts and by justices of the peace and notaries public ex officio justices of the peace in said Chatham County having been conferred upon and vested in the Municipal Court of Savannah by section 2 of the Act of the General Assembly of August 13, 1915 (Georgia Laws of 1915, page 125), which territorial jurisdiction is by this Act ratified and confirmed. (Ga. L. 1915, p. 124, § 2; Ga. L. 1937, p. 1203, § 1.)

Sec. 1-532. Jurisdiction as to civil and criminal matters generally.

The jurisdiction of the Municipal Court of Savannah, as to civil and criminal matters, shall in all respects be the same as the jurisdiction of justices' courts in the County of Chatham at the date of the passage of this Act[5] and, in addition thereto, the said court shall have jurisdiction in trover and in bail trover proceedings in which the value of the property sued for, exclusive of hire, does not exceed the principal sum of one hundred dollars, and shall also have jurisdiction of actions to recover penalties which may be sued for under the laws of Georgia, but in no case shall said court have jurisdiction to render judgment for more than three hundred dollars, exclusive of interest, and said court shall have jurisdiction to take and entertain pleas of guilty in misdemeanor cases by consent of defendant and impose sentence as provided by law when such cases shall have origin in said court by virtue of warrants issued in said court.

The said Municipal Court of Savannah, in addition to the usual jurisdiction of justices' courts of this state, shall have jurisdiction within the corporate limits of the City of Savannah and also without such limits in Chatham County, concurrent with the superior court, to try and dispose of all civil cases or proceedings of whatever nature, ex contractu or ex delicto, under the common law or by statute, in which the principal sum sworn to or claimed to be due, or the value of the property in dispute, does not exceed three hundred dollars, and of which jurisdiction is not vested by the constitution and laws of the State of Georgia exclusively in other courts. (Ga. L. 1927, p. 455, § 2; Ga. L. 1937, p. 1203, § 3.)

Sec. 1-533. Jurisdiction as to peace and good behavior warrants.

The Municipal Court of Savannah, in addition to the criminal jurisdiction now conferred upon it by the Act of General Assembly of Georgia, approved August 13, 1915, and the amendatory and supplementary Acts thereto, shall have jurisdiction to try and make final disposition of peace warrants and good behavior warrants originating in said court. (Ga. L. 1955, p. 3294, § 4.)

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5. March 27, 1937.

Sec. 1-534. Jurisdiction to foreclose liens.

The Municipal Court shall have jurisdiction to foreclose all liens of laborers, contractors, materialmen and other liens of a similar nature on real estate, as well as on personal property; provided, the amount does not exceed the principal sum of three hundred dollars. The manner of foreclosing such liens and of foreclosing mortgages on personal property in said court shall be as provided by law for such foreclosures in the superior courts of this state. (Ga. L. 1927, p. 455, § 3.)

Sec. 1-535. Powers and duties of clerk generally.

The clerk of said Municipal Court touching the business of said court shall have and exercise all the duties, powers and authority provided by law for the clerk of the superior court of Chatham County, so far as the same are applicable to and not inconsistent with the provisions of this Act, and such other duties pertaining to the business of said court as may be designated by the judges of said court or a majority of them. The clerk shall also have complete power and authority co-existent and co-ordinate with the power of the judges of said Municipal Court under this Act, to issue summary processes and writs which are issuable as a matter of right, to issue garnishments and attachments [not in excess of one hundred dollars] [5a], to administer oaths and take affidavits, to accept and approve bonds and to discharge any and all other functions ministerial in character, which under the laws of this state, are performed by justices of the peace. The deputy clerk of said Municipal Court shall have and exercise all the functions and be subject to all the responsibilities and requirements of the clerk of the court. (Ga. L. 1915, p. 124, § 18.)

Sec. 1-536. Powers and duties of sheriff generally.

The sheriff and deputy sheriffs of said Municipal Court shall have and exercise all duties, powers and authority touching the business of said court provided by law for the sheriff of the superior court of Chatham County, so far as the same are applicable to and not inconsistent with the provisions of this Act, and such other duties

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5a. In the case of Stone v. Atlantic Engineering & Contracting Co., 95 Ga. App. 312(3), the court held that the clerk does not have authority in attachment claims exceeding one hundred dollars.

pertaining to the business of said court as may be designated by the judges of said court or a majority of them. (Ga. L. 1915, p. 124, § 19.)

Sec. 1-537. Salaries of clerk and sheriff.

The county commissioners of Chatham County shall be and are hereby empowered and directed to fix, regulate, prescribe, and pay the salaries of the clerk, deputy clerk, sheriff, and deputy sheriffs of the said Municipal Court of Savannah out of the treasury of Chatham County. (Ga. L. 1927, p. 455, § 19.)

Sec. 1-538. Bond of clerk, sheriff and their deputies.

The clerk of the Municipal Court of Savannah shall be responsible for his acts and jointly responsible with the deputy clerks of said court for their acts. The said clerk shall give a bond in the sum of two thousand five hundred dollars and the deputy clerks shall each give a bond in the sum of one thousand dollars. The sheriff of the Municipal Court of Savannah shall be responsible for his acts and jointly responsible with the deputy sheriffs of said court for their acts. The said sheriff shall give a bond in the sum of two thousand five hundred dollars and the deputy sheriffs shall each give a bond in the sum of one thousand dollars. Each and all of said officials shall give a good bond payable to the commissioners of Chatham County for the true and faithful performance of their respective duties and for the true and prompt payment and accounting of all moneys by said clerk and deputy clerks and by said sheriff and deputy sheriffs. (Ga. L. 1957, pp. 2171, 2172, § 2.)

Sec. 1-539. Clerk, sheriff, etc., not to receive fees for own use.

It shall be unlawful for any clerk, sheriff, deputy clerk, deputy sheriff or other officer of said Municipal Court, directly or indirectly, to charge or receive for his own use any fees, emoluments or perquisites of office other than the salaries provided by this article. (Ga. L. 1915, p. 124, § 10.)

Sec. 1-540. Vacancies in office of clerk or sheriff; terms.

In the event of death or resignation of said clerk or sheriff [of

the Municipal Court], their successors shall be appointed by the county commissioners and ex officio judges of Chatham County. The terms of office of the clerk and sheriff of said court shall coincide and be concurrent with that of the chief judge of said court. (Ga. L. 1937, p. 1203, § 5.)

Sec. 1-541. Deputy clerks and sheriffs generally.

In the event the two judges of the said Municipal Court of Savannah, certify, with approval of the county commissioners of Chatham County, that additional officers than as now provided by law are necessary in order to properly conduct the business of said court, there shall be appointed by the clerk, with the approval of the county commissioners of Chatham County and the chief judge of said court, another deputy clerk, and by the sheriff, with the approval of the county commissioners of Chatham County and the chief judge of said court, additional deputy sheriffs. The chief judge of said Municipal Court is authorized to remove any or all of such deputy officers appointed in pursuance of this section or any prior existing law, for cause, or at any time that he thinks the duties of the court do not require such additional deputy officers.

In the event the two judges of said Municipal Court certify that additional officers are necessary in order to properly conduct the business of said court, there shall be appointed by the clerk, with the approval of the judge, a deputy clerk, and by the sheriff, with the approval of the chief judge, deputy sheriffs not to exceed two. The chief judge of said Municipal Court is authorized to remove such deputies appointed in pursuance of this section at any time that he thinks the duties of the court do not require such additional service.

The clerk shall be responsible for the acts of the deputy clerk and the sheriff shall be responsible for the acts of the deputy sheriffs. (Ga. L. 1915, p. 124, § 16; Ga. L. 1918, p. 356, § 5; Ga. L. 1927, p. 455, § 17; Ga. L. 1955, p. 3294, § 2.)

Sec. 1-542. Procedure, pleading, etc., generally.

The procedure, pleading and practice in said Municipal Court of Savannah shall be the same as that prescribed by law at the date of the passage of this Act[6] for justices' courts, and on appeal, certiorari and all other matters the procedure in said court, except where

6. March 27, 1937.

changed by this Act, shall be the same as prescribed by law for said justices' courts; provided, that there shall be no right of appeal to a jury in the superior court from any judgment of said Municipal Court of Savannah. (Ga. L. 1937, p. 1203, § 4.)

Sec. 1-543. Applicability of law relative to justices of the peace.

All laws of force at the date of the passage of this Act relating to and governing justices of the peace and justice of the peace courts as to all matters and things of every kind and character shall apply to said Municipal Court, the judges thereof and the proceedings therein, so far as the same may be applicable, unless inconsistent with the provisions of this Act. (Ga. L. 1915, p. 124, § 22.)

Sec. 1-544. Place of holding court; furniture and other equipment.

The Mayor and Aldermen of the City of Savannah shall provide and maintain a suitable place for holding said court, at some place in the City of Savannah as near to the courthouse as may, in the discretion of the Mayor and Aldermen, be conveniently and reasonably obtained; and shall provide the necessary furniture, blanks, books, typewriters and stationery for the use of the said court. The county commissioners of Chatham County shall, so far as possible, cooperate with the Mayor and Aldermen in providing a place or places for the holding of said court. (Ga. L. 1915, p. 124, § 23.)

Sec. 1-545. Books to be furnished by state librarian.

A complete set of the published reports of the Supreme Court of Georgia and the Court of Appeals of the State of Georgia, and the Acts of the General Assembly of Georgia, commencing with the Acts of 1910, and future Acts and Reports and the Code of Georgia of 1910, shall be furnished by the state librarian to the clerk of said Municipal Court of Savannah for the use of said court. (Ga. L. 1915, p. 124, § 29.)

Sec. 1-546. Terms.

The term of said Municipal Court shall commence on the first Tuesday of each month and each term shall continue from day to day, but not to run longer than the Monday preceeding the commencement of the succeeding term. (Ga. L. 1955, p. 3294, § 3.)

Sec. 1-547. When suits may be filed and served.

Suits [in the Municipal Court] shall be filed at least ten days before the first day of the term to which they are returnable and shall be served at least five days before the first day of said term. (Ga. L. 1955, p. 3294, § 3.)

Sec. 1-548. When suits may be served by mail.

A. Service of civil suits and garnishments (except attachments, bails in trover, dispossessory warrants, and distress warrants) in addition to the laws now providing for the service of same, and as an alternative, and in addition to all other methods of service now authorized by law, may be perfected by United States registered mail and/or certified mail at the election of the party requiring said service.

B. Such service by registered mail and/or certified mail shall be perfected by the production in court of a return receipt issued by the United States Post Office, which shall constitute a prima facie service; such receipt must be in the hands of the clerk of the court at least five days before the first day of the term to which said case is returnable, and if said receipt is not in the hands of the clerk of said court within the said five day period, the case shall stand returnable to the next term of said court. (Ga. L. 1957, pp. 2171, 2173, §§ 3, 4.)

Sec. 1-549. When answers to garnishments may be filed.

Answers to garnishments may be filed [in the Municipal Court] at any time during the first week of the term at which said garnishments are answerable. (Ga. L. 1955, p. 3294, § 3.)

Sec. 1-550. Attachments.

All attachments in the Municipal Court of Savannah in which the principal sum claimed or the value of the property in dispute exceeds the sum of one hundred dollars or is not over three hundred dollars returnable to the said Municipal Court, shall be triable at the first term after service, if served at least ten days before the first day of such term. The declaration in attachment shall be filed on the first day of such term, and all answers, demurrers and other defenses thereto shall be filed in said court on the first Monday after the first day of the term in the term to which said attachment

is made returnable, or else the said cause shall be marked in default on said first Monday, and a verdict or judgment may be taken. After any such case is marked in default, or after a verdict or judgment shall have been taken or entered by reason of such default, the judge of said court may within ten days set aside such default or set aside such verdict or judgment, upon application duly made, for good and sufficient cause shown, and upon payment of costs by the applicant, and upon the applicant filing immediately his defense and announcing ready for trial. (Ga. L. 1929, p. 470, § 4.)

Sec. 1-551. Issuance and execution of summonses, writs, etc.

All summons, executions, warrants, writs and proceedings of any kind issuing from said Municipal Court shall be issued in the name of the chief judge and signed by the clerk or deputy clerk of said court; all executions, warrants, writs and summary processes of any kind issuing from said Municipal Court shall be directed to all and singular the sheriff and his lawful deputies of said Municipal Court, and all and singular the sheriffs and deputy sheriffs of this state, and shall be executed as is now provided by law for proceedings in superior courts of this state and/or in justices' courts. (Ga. L. 1955, p. 3294, § 3.)

Sec. 1-552. Service of warrants.

The county police of said Chatham County are authorized to serve criminal warrants issued by said Municipal Court of Savannah. And said warrants may be served by any sheriff or deputy sheriff of said Municipal Court, or may be served by any lawful sheriff, deputy sheriff, bailiff or deputy bailiff of said county or any court of said county. The judge issuing the warrant or the chief judge of the said court shall have authority to give direction as to which of said officers shall serve the warrant. (Ga. L. 1937-1938, p. 745, § 1.)

Sec. 1-553. Levy of executions.

The sheriff of the said Municipal Court of Savannah or any deputy sheriff thereof is hereby authorized to levy an execution or process issuing from the said Municipal Court upon any real estate in the City of Savannah or in Chatham County, belonging to the defendant in such execution or process, and all subsequent proceedings

shall conform to the laws of this state governing the sale of real estate under executions issuing from the superior courts of this state, excepting that the sale of the real estate levied on under an execution or process issuing from the said Municipal Court, as aforesaid, shall be conducted by the sheriff of said Municipal Court or by a deputy sheriff thereof. (Ga. L. 1927, p. 455, § 14.)

Sec. 1-554. Demurrers and special pleas; verification of answers.

No demurrer or special plea shall be required [in the Municipal Court], but every defense in point of law or of fact may be taken advantage of in the answer; provided, that if the plaintiff shall verify his claim, or if a suit is brought on an unconditional contract in writing, the defendant shall be required to verify his answer. (Ga. L. 1927, p. 455, § 5.)

Sec. 1-555. Calling of appearance docket.

The presiding judge or judges of the said Municipal Court shall call the appearance docket on the first Tuesday in each term. (Ga. L. 1929, p. 470, § 5.)

Sec. 1-556. Assignment and dismissal of cases.

On the call of the appearance docket as provided in section 1-555 of this Code, all cases ready for assignment for a hearing shall be assigned for trial by the presiding judge or judges of said Municipal Court on a day within the term to which they are brought, unless continued for good cause. If a case so assigned or placed on the trial calendar is not disposed of within ninety days from the first day of the term to which it is brought, it may be dismissed by the presiding judge or judges of said court, upon written order, in the exercise of a sound discretion, with costs taxed against the delinquent plaintiff, without prejudice to a renewal suit being commenced after such dismission within the time and on the terms as now fixed by the laws of this state. (Ga. L. 1927, p. 455, § 7.)

Sec. 1-557. Trial by jury generally.

Every case in said Municipal Court shall be tried by the presiding judge or judges thereof without a jury, unless a written demand for trial by jury is filed in said court by the plaintiff or his attorney,

or by any other party seeking affirmative relief at the time such action or proceeding is instituted, and by the defendant or his attorney on the day upon which he is required to appear in court in response to proceedings against him. Upon the failure of a party to demand a trial by jury, in manner aforesaid, he shall be held to have waived such right; provided, however, that when neither party demands a jury trial the presiding judge or judges of said court shall have the right, on his or their own motion and in his or their discretion, to refer any cause involving an issue of fact to a jury for trial in the same manner as demanded by either party. (Ga. L. 1927, p. 455, § 11.)

Sec. 1-558. Right of appeal to jury.

There shall be a right of appeal to a jury in the Municipal Court of Savannah in all cases where the principal sum in controversy, exclusive of interest, does not exceed one hundred dollars, and in trover and in bail-in-trover proceedings in which the value of the property sued for, exclusive of hire, does not exceed the sum of one hundred dollars. The jury to be selected and empanelled as provided in justices' courts as of August 15, 1915, except that jurors are eligible to serve if they reside in Chatham County, Georgia, and have been selected by the jury commissioners of Chatham County for jury services in the superior court in said county. (Ga. L. 1955, p. 3294, § 5.)

Sec. 1-559. List of jurors; drawing jurors.

It shall be the duty of the clerk of said Municipal Court to prepare and file in his office, from the list of the traverse jury of the superior court of Chatham County, as provided from time to time for such superior court, a list of the traverse jurors appearing therein who are residents of the City of Savannah or of said county. From said list so prepared, traverse jurors in said Municipal Court shall be drawn in the following manner: The clerk of said Municipal Court shall write upon separate tickets the names of such traverse jurors, and shall number the same and place the same in a box prepared for that purpose. From it shall be drawn twelve traverse jurors in the manner prescribed by law in the superior courts; all laws with reference to the drawing, selecting, and summoning of traverse jurors in the superior court shall apply to said Municipal Court under the limitation provided by this Act. (Ga. L. 1927, p. 455, § 8.)

Sec. 1-560. Number of juries and jurors.

All jury trials in said Municipal Court shall be by a jury of six, and, from said panel of twelve jurors drawn and summoned by the provisions of this Act, the presiding judge or judges of said Municipal Court shall cause to be made up two juries, and all cases and issues to be tried by jury at such term of said Municipal Court shall be tried by one of these juries, or by a jury stricken from both, plaintiff and defendant each being entitled to three peremptory challenges. In the event said panel should be reduced below twelve from any cause, the presiding judge or judges of said court shall have the power to fill it out by causing talesman to be summoned instanter. It shall also be in the power of the presiding judge or judges of said Municipal Court to cause to be drawn a panel of eighteen jurors, from which panel three juries shall be made up, if, in his or their discretion, the business of the court justifies such additional third jury. (Ga. L. 1927, p. 455, § 10.)

Sec. 1-561. Qualifications, impaneling, etc., of jurors.

All laws with reference to qualifications, relation, impaneling and challenging of jurors now or hereafter of force in the superior courts of this state shall apply to and be observed in said Municipal Court, except where in conflict with the terms of this Act. (Ga. L. 1927, p. 455, § 9.)

Sec. 1-562. Compensation of jurors.

Jurors shall receive for their service in the Municipal Court of Savannah the same compensation as provided by law for jury services in the superior court of Chatham County. Such compensation shall be payable by the proper county authorities out of the treasury of Chatham County. (Ga. L. 1927, p. 455, § 9; Ga. L. 1955, p. 3294, § 5.)

Sec. 1-563. Costs—Deposit generally.

Each party filing a suit or proceeding of any character in said Municipal Court of Savannah shall deposit with the clerk of said court at the time of the filing or commencement of said proceeding the sum of two dollars, as costs of suit; provided, however, that the said deposit shall be taxed as part of the costs against the losing scribe an affidavit to the effect that from poverty he is unable to pay

the same, and provided, further, that if the party making such deposit shall finally prevail in said suit or proceeding, the amount of said deposit shall be taxed as part of the costs against the losing party in said suit, and if recovered as against a losing party defendant, shall be refunded to the party depositing the same, after all costs have been paid.

Where a party shall make oath that through his poverty he is unable to make the deposit of two dollars hereinbefore provided for or is unable to pay costs or to give bond, any other party at interest or his agent or attorney may contest the truth of such pauper affidavit by certifying affirmatively under oath that the same is untrue, or the chief judge of the Municipal Court may notify the party filing the said pauper affidavit that the court desires the truth of the same tested. The issue thereby formed shall be heard and determined by the court under the rules of the court, and if the charges be sustained, judgment shall be rendered as if no affidavit had been made or bond given. If the said charge be not sustained, where the contest has been made by the opposite party, his agent or attorney, the costs of such hearing shall be taxed against the party complaining. The judgment of the court on all issues of fact touching the ability of a party to pay costs, give bond, or to make the deposit of two dollars, shall be final. (Ga. L. 1915, p. 124, §§ 25, 26.)

Sec. 1-564. Same—Deposit when suit involves one to three hundred dollars.

Each party filing a suit or proceeding of any character in said Municipal Court of Savannah in which the principal sum claimed or the value of the property in dispute exceeds the sum of one hundred dollars and is not over three hundred dollars, shall deposit with the clerk of said court, at the time of the filing or commencement of said proceeding, the sum of three dollars on account of the costs of the suit; provided, however, that the said deposit shall not be required of any who shall subscribe an affidavit to the effect that, from poverty, he is unable to pay the same and unable to pay the costs or to give bond therefor, and provided further, that, if the party making such deposit shall finally prevail in said suit or proceeding, the amount of said deposit shall be taxed as part of the cost against the losing party defendant [and] shall be refunded to the party depositing the same, after all costs have been paid. If the party filing such pauper affidavit shall prevail in such suit or proceedings, the

full costs of the suit or proceedings shall be taxed and collected from the other party.

Where a party shall make oath that, through his poverty, he is unable to make the deposit of three dollars hereinbefore provided for, or is unable to pay costs or to give bond, any other party at interest or his agent or his attorney may contest the truth of such pauper affidavit by verifying affirmatively under oath that the same is untrue, or any judge of the Municipal Court may notify the party filing the said pauper affidavit that the court desires the truth of the same tested. The issue thereby formed shall be heard and determined by any judge of said court under the rules of court, and, if the charges be sustained, judgment shall be rendered as if no affidavit had been made or bond given. If the said charge be not sustained, where the contest has been made by the opposite party, his agent or attorney, the costs of such hearing shall be taxed against the party complaining. The judgment of the court on all issues of fact touching the ability of a party to pay costs, give bond, or to make the deposit of three dollars, shall be final, and the decision shall be complied with by the plaintiff within two days, or the suit or proceeding shall be dismissed. (Ga. L. 1929, p. 470, §§ 1, 2.)

Sec. 1-565. Same—Schedule.

The costs and fees charged in the said Municipal Court of Savannah shall be the same as are now provided by law for justices' courts and constables, as embodied in the Code of Georgia of 1910, sections 6003 and 6006, except jury fees; provided, that when the amount recovered shall not exceed the sum of twenty dollars, the charge shall be one half of the present fees charged.

In all civil case or proceedings in the said Municipal Court of Savannah in which the principal sum claimed or the value of the property in dispute exceeds the sum of one hundred dollars and is not over three hundred dollars, the cost which shall be collected by the clerk of said court shall be as follows, to wit:

Filing and docketing	$1.00
Copying and issuing process	1.00
Each copy after first copy	.50
Filing each defendant's pleas	.50
Filing demurrer	.50
Affidavit, filing or taking	.50
Issuing original subpoenas, 15¢ each	.15
Recording judgment or verdict on minutes	1.00

Recording proceedings (per 100 words)	.15
Recording each order on minutes	.50
Issuing and docketing executions	.60
Filing garnishee's answer	.50
For issuing affidavits, bonds in attachment	1.00
Filing declaration in attachment	1.00
Filing affidavit and bond in garnishment	1.00
For issuing summons of garnishment	.50
For each additional copy of garnishment	.25
For accepting bond to dissolve garnishment	.50
Filing and recording judgment in garnishment	1.00
Issuing release in garnishment	.50
Filing motion for a new trial, and order	1.00
Filing brief of evidence and order	1.00
Filing charge of court and order	1.00
For copy of bill of exceptions	1.00
Certificate under seal	1.00
Accepting and approving supersedeas bond	.50
Filing exception pendente lite and order	1.00
Filing each appeal	1.00
Commissioner's fees for each witness	2.00
Filing mortgage foreclosure, up to levy	3.00
Short order of sale with order	1.00
Sheriff for serving of each process or writ on defendant	2.00
Sheriff serving each subpoena	.30
Sheriff for serving each garnishment	1.00
Sheriff for levying attachment	2.00
Sheriff for accepting bonds	1.00
For each levy on fi. fa.	2.00
For search and return of nulla bona	1.00
Commissions on all sales	3%
For making out and executing titles to land	3.50
If presented by purchaser	1.00
For executing bill of sale to personal property when demanded	1.00
For settling each execution in hand without sale	1.00
For posting notices of sale of personal property (each notice)	.50
For each distress warrant issuing, including filing and docketing	3.00
For service and return of each distress warrant	3.00

For dismissal or settlement of distress warrant 1.00
Deposit required at the time of the filing or commencement of suit or proceeding, on account of the cost of the suit .. 3.00
(Ga. L. 1916, p. 292, § 1; Ga. L. 1929, p. 470, § 6.)

Sec. 1-566. Same—For jury in appeal cases.

In addition to the other costs to be taxed by the court, the court shall tax against the losing party in appeal cases the sum of three dollars in each case tried by a jury. The party appealing is required to deposit said sum with the clerk of said court and, if the party appealing prevails, said amount shall be taxed against the losing party as a part of the costs of the case and, if collected, shall be returned to the party depositing the same, after all costs have been paid. (Ga. L. 1955, p. 3294, § 5.)

Sec. 1-567. Same—Record and disposition.

An accurate record of all costs, fees and charges in said Municipal Court shall be kept by the clerk of said court and all costs, fees and charges of every kind and collected by any of the officers of said court shall be immediately turned over to the clerk of said court and entered at once by said clerk on his records, and, on or before the fifth day of each and every month, it shall be the duty of said clerk of said court to furnish the treasurer of the City of Savannah a complete, accurate and sworn copy of all costs, charges and collections and to pay over all of the moneys collected to the said treasurer of the City of Savannah; and said moneys so received by said treasurer from the clerk of said court shall be held to the credit of said court and paid out, together with any deficiency which it shall be the duty of the said Mayor and Aldermen of the City of Savannah to supply to said treasurer, by said treasurer upon a warrant signed by the chief judge of said court. Failure of the clerk of said court or of the officers of said court to promptly comply with the provisions of this section shall make it the duty of the Mayor and Aldermen of the City of Savannah to immediately remove such official from office; provided, upon sufficient excuse in writing, the time for the compliance by said official with this requirement is not postponed by the chief judge by order duly made and filed. (Ga. L. 1915, p. 124, § 27.)

Sec. 1-568. Default judgments—In cases involving one hundred dollars or less.

In all cases in which the principal sum claimed, or the value of the property in controversy, does not exceed the sum of one hundred dollars, and in which service has been legally made, and there is no appearance or defense by the defendant or defendants, the plaintiff shall be entitled to judgment for the amount of his claim, or the value of the property in controversy, whether verified or unverified, on the call of the docket and without the case being assigned for trial or proof. (Ga. L. 1929, p. 470, § 5.)

Sec. 1-569. Same—In cases involving more than one hundred dollars.

In all cases in which the principal claimed, or the value of the property in controversy, exceeds one hundred dollars and not over three hundred dollars, and in which service has been legally made, and no answer or defense has been filed by the defendant or defendants on the first day of the term, the presiding judge or judges, on the call of the appearance docket, shall mark cases "In default," and, on the first Monday thereafter, a verdict or judgment may be taken or entered by reason of said default, without the case being assigned for trial or proof being required. After rendition of final judgment in a case so marked "in default," the right of opening such default shall terminate, unless by order of the court or by consent of parties or counsel of record, evidenced by a written stipulation filed with clerk of said court. (Ga. L. 1929, p. 470, § 5.)

Sec. 1-570. Effect of judgments, executions, etc.

Judgments, executions and all other processes and proceedings from said Municipal Court shall have the same effect and lien as is now provided for similar proceedings in the justice of the peace courts. (Ga. L. 1915, p. 124, § 21.)

Sec. 1-571. Motions for new trial.

In all cases tried in said Municipal Court in which the principal sum claimed, or the value of the property in controversy, exceeds the sum of one hundred dollars and is not over three hundred, either party or his counsel may make a motion for a new trial in said court, under the laws and rules and procedure governing the making

of motions for new trials in the superior court. And on the hearing of such motion the full bench of two judges shall preside and determine the same. (Ga. L. 1927, p. 455, § 12.)

Sec. 1-572. Appeals to superior court.

An appeal to the superior court of Chatham County from the judgment of said Municipal Court, in all cases in which the principal sum claimed, or the value of the property in controversy, exceeds one hundred dollars and is not over three hundred dollars, shall be by writ or certiorari, and the procedure shall be conformable in all respects with the laws of this state on certiorari to the superior court; provided, that when a party in such a case makes a motion for new trial in said Municipal Court, there shall be no right of certiorari in said case to the superior court of Chatham County until a judgment of said Municipal Court makes a final disposition of such motion for new trial. (Ga. L. 1927, p. 455, § 13.)

Sec. 1-573. Bills of exception to court of appeals or supreme court.

In all cases wherein the amount involved exceeds one hundred dollars, the order overruling or refusing the motion for new trial or the final order or judgment of the trial court, as the case may be, shall be subject to review by bill of exceptions to the court of appeals and/or the supreme court, in the same manner that judgments and orders of the superior courts are now reviewed and, in such cases, the trial judge who presided on the original trial of the case or, in his absence, any judge of said court shall have the same powers and duties respecting all proceedings including supersedeas as the judges of the superior courts now have. (Ga. L. 1937, p. 1203, § 9.)

Division 2. Judges.

Sec. 1-574. Generally.

There shall be two judges of the Municipal Court of Savannah, one to be known as the chief judge of the Municipal Court of Savannah, who shall have all the powers heretofore conferred on said chief judge by the several Acts of the General Assembly creating and establishing the judge of said court, except that he shall not have the title and powers heretofore conferred on him as ex-officio

judge of the city court.[7] The other judge of the Municipal Court of Savannah shall be known as the associate judge of the Municipal Court and the said two judges, under the direction of the chief judge, shall perform all the functions and duties as the presiding judges of the Municipal Court of Savannah. (Ga. L. 1952, p. 2756, § 2.)

Sec. 1-575. Election and terms.

The judges of the Municipal Court shall be elected by the voters of Chatham County qualified to vote for members of the General Assembly, that is to say, the successor to each of said judges and the chief judge shall be elected at the general state election held next preceding the expiration of his term of office. The judges so elected shall hold office for a term of four years, or until their successors are elected and qualified. (Ga. L. 1915, p. 124, § 9.)

Editor's note.—This section, as originally enacted, contained provisions relative to initial appointments by the Mayor and Aldermen of the city. These provisions have been omitted, since their purpose has been accomplished.

Sec. 1-576. Powers generally.

Each of the two judges of said Municipal Court shall have all the power, authority and jurisdiction that a justice of the peace now has under the laws of Georgia. (Ga. L. 1915, p. 124, § 6.)

Sec. 1-577. Qualifications.

Any attorney at law who is a resident of Chatham County and who has practiced law continuously for one or more years shall be eligible to hold office as associate judge of said Municipal Court, but, in addition to the foregoing qualifications, the chief judge of said court must have practiced law for five years or more. (Ga. L. 1915, p. 124, § 6.)

Sec. 1-578. Oath.

Before entering upon the discharge of the duties of the office, each judge of the Municipal Court shall take and subscribe an oath in substance the same as that provided for the judges of the superior courts of this state. Oath shall be taken before the judge of the superior court of Chatham County or the judge of the City Court

7. See § 1-586.

of Savannah or the ordinary of Chatham County. (Ga. L. 1915, p. 124, § 13.)

Sec. 1-579. Entire time to be devoted to duties.

No judge of the Municipal Court shall hold any other public office of honor, trust or profit or practice as an attorney or counsellor at law, but each judge of said court shall devote his whole time and capacity, so far as public interest demand, to the duties of his particular office as prescribed by law. (Ga. L. 1915, p. 124, § 6.)

Sec. 1-580. Vacancies.

In the event of death or resignation of the chief judge of the Municipal Court of Savannah, the successor for the unexpired term shall be elected and appointed by the county commissioners and ex officio judges of Chatham County. In the event of the death or resignation of the associate judge of the Municipal Court of Savannah, the successor for the unexpired term shall likewise be elected and appointed by the county commissioners and ex officio judges of Chatham County. (Ga. L. 1952, p. 2756, § 4.)

Sec. 1-581. Power to punish for contempt.

The power and authority of the judges of said Municipal Court of Savannah to punish as for contempt of said court shall not exceed a fine of twenty-five dollars or imprisonment for ten days in jail, either or both in the discretion of the court, and the matters, acts and things which may be held by said Municipal Court to be contempt of court shall be the same as are now prescribed within the jurisdiction of the superior courts of said state. (Ga. L. 1915, p. 124, § 30.)

Sec. 1-582. Salaries—Of chief judge.

The chief judge of the Municipal Court of Savannah shall receive a salary of seven thousand five hundred dollars per annum, which shall be paid in monthly installments by the commissioners of Chatham County and ex officio judges thereof who are hereby directed and authorized to pay the same out of the treasury of Chatham County. (Ga. L. 1952, p. 2756, § 1.)

Sec. 1-583. Same—Of associate judge.

The salary and/or compensation of the associate judge of the Municipal Court of Savannah shall be seven thousand dollars per year. Said salary shall be paid to said associate judge out of the county funds and/or county treasury by the county commissioners of Chatham County on a monthly basis. (Ga. L. 1957, pp. 2980, 2981, §§ 1, 2.)

Sec. 1-584. Same—To be exclusive compensation.

It shall be unlawful for any judge of said Municipal Court directly or indirectly, to charge or receive for his own use any fees, emoluments or perquisites of office other than the salaries provided by this division. (Ga. L. 1915, p. 124, § 10.)

Sec. 1-585. General powers of chief judge.

The chief judge of said Municipal Court, in addition to the exercise of all powers as a judge of said court, shall have the general superintendence of the business of said court. He shall have the power to divide the court into sections or divisions and to determine the division of the business of said court, and shall assign the judges to attend to the duties of said court and the divisions or sections thereof. He shall prescribe the hour for the opening of said court, and for the attendance of judges, clerks and sheriffs thereof, and shall generally have authority to make such rules, not inconsistent with the provisions of this Act or with the published rules of the court, as shall, in the judgment of said chief judge, seem advisable for the prompt and satisfactory disposition of the business of said court. (Ga. L. 1915, p. 124, § 7.)

Sec. 1-586. Right of chief judge to preside over City Court.

Said chief judge of the Municipal Court of Savannah shall not possess any ex officio title or powers with respect to the City Court of Savannah, except that, during the absence, disability or incapacity of the judge of the City Court of Savannah, said chief judge may preside in the trial of cases in the City Court of Savannah at or upon the request of the judge of the City Court of Savannah. (Ga. L. 1952, p. 2756, § 1.)

Sec. 1-587. Authority of chief judge to grant leaves of absence and appoint judge pro tem.

The chief judge of the Municipal Court of Savannah shall have the power and authority to grant leave of absence to the associate judge or officers of said court, and, in the event a leave of absence is granted to the associate judge, the said chief judge shall have the power and authority to appoint a judge pro tempore, who shall serve during the absence of the associate judge, the salary of the judge pro tempore to be paid by the City of Savannah in the same amount as now paid to said associate judges. (Ga. L. 1916, p. 292, § 3.)

Editor's note.—The provision of this section and all preceding sections concerning payment on any other function in connection with the Municipal Court of Savannah by the city is probably obsolete in light of the more recent provisions of this division to the effect that judges' salaries shall be paid by the commissioners of Chatham County and ex officio judges thereof.

Sec. 1-588. Duties of chief judge relative to costs.

It shall be the duty of the chief judge of said Municipal Court to see to it that the officers of the court are diligent in the collection of costs and, to this end, he shall call the execution docket of the court on some fixed day of each term and shall adopt such other measures and rules as will insure the payment of costs by the party or parties liable for the same. (Ga. L. 1915, p. 124, § 28.)

Sec. 1-589. Rules.

The judges of said Municipal Court shall, on the first day of January, 1916, organize said court and shall prepare and promulgate such rules of procedure and practice, not inconsistent with this Act and with the laws of the state, as may be necessary or proper to carry on and facilitate the business of said court. Such rules may be modified or changed from time to time, and shall be binding upon the officers of said court, the attorneys practicing, the parties litigating and the witnesses attending therein. All such rules shall be promptly filed with the clerk of the Municipal Court and shall be printed within a reasonable time after their adoption, and furnished, upon application, to the members of the bar and the public generally. (Ga. L. 1915, p. 124, § 14.)

Sec. 1-590. Impeachment.

The associate judge or chief judge of said Municipal Court may be impeached for misfeasance or malfeasance in office. Said impeachment shall be preferred by presentment of the grand jury of Chatham County, and said impeachment shall be tried before the superior court of said county under the rules governing the trial of misdemeanors. The impeachment of the judge or chief judge by the grand jury shall operate to suspend him from office until the impeachment is tried. If the verdict of the jury impanelled to try the impeachment be for the impeachment, the court shall enter a judgment removing said judge or chief judge from office, and the chief judge or judge so removed shall thereafter be ineligible to hold said office. If the judgment of the court be against an impeachment, said judge or chief judge shall be restored to his office as though no impeachment had been preferred. (Ga. L. 1915, p. 124, § 11.)

Sec. 1-591. Judge pro hac vice.

Should either of the judges of said Municipal Court be disqualified, from interest or otherwise, from sitting in any cause pending in said court, said judge or judges may select some practicing attorney at law to act as judge pro hac vice, who shall exercise all the functions of a judge in such disqualified case or cases. (Ga. L. 1915, p. 124, § 12.)

ARTICLE III. CITY COURT.[8]

Division 1. Generally.

Sec. 1-592. Name and style.

The name and style of the court of common pleas and oyer and terminer of the City of Savannah shall be the "City Court of Savannah." (Ga. L. 1853-54, p. 281, § 1.)

Sec. 1-593. Jurisdiction generally.

The jurisdictional limits of the City Court of Savannah shall embrace the whole County of Chatham, and the said court shall, within those limits, have jurisdiction concurrent with the superior

8. For a history of the legislative acts relative to the City Court, see Collins v. Russell, 107 Ga. 423, 33 S. E. 444.

court of the County of Chatham of all civil causes, without regard to the amount involved, except those of which jurisdiction is exclusively given to the superior court by the constitution and laws of the state; provided, however, that, in any cause which might have been commenced in the court of a justice of the peace, the losing party shall not be charged with more costs than would have necessarily accrued if such cause had been before a justice of the peace. The criminal jurisdiction of the said City Court shall remain as now provided by law, and the judge of the said City Court shall have the same powers as the judge of the superior court of Chatham, except such as are exclusively given to the latter by law. (Ga. L. 1880-81, p. 571, § 1.)

Sec. 1-594. Jurisdiction of claim cases; foreclosure of mortgages.

The said City Court shall have jurisdiction of all claim cases where personal property is levied on under execution, or other process from said court; and all mortgages upon personal property, for an amount within the jurisdiction of said court, may be foreclosed in the same way or manner as in the superior court, and all subsequent proceedings thereon shall be in said City Court, and such as are comformable with the general laws of the state. (Ga. L. 1931, p. 370, § 2.)

Sec. 1-595. Applicability of laws governing court of common pleas and oyer and terminer.

All laws applicable to the court of common pleas and oyer and terminer for the City of Savannah, not conflicting with this article, shall be applicable to the City Court of Savannah. (Ga. L. 1853-54, p. 281, § 10.)

Sec. 1-596. Sessions.

The sessions of said City Court shall be held on the first Monday in January, March, May, July, September and November of every year. The monthly sessions held for the trial of criminal cases are hereby abolished. To these ends, section 4916 of the Code of 1882, embodying the laws of the City Court of Savannah, is amended to read as follows:

"Sessions: The sessions of said court shall be held on the first Monday in January, March, May, July, September and November

of every year and all causes except attachments shall be triable at the first term." (Ga. L. 1915, p. 122, § 3.)

Sec. 1-597. Clerk generally—Salary; fee system abolished.

The salary of the clerk of the City Court of Savannah shall be four thousand eight hundred dollars per year. The salary of the clerk of the City Court of Savannah shall be paid out of the treasury of Chatham County and shall be provided by said [Chatham County] commissioners in the same manner and from the same sources as the operating expenses of the City Court of Savannah and as a part thereof.

The fee system now existing in the City Court of Savannah as applied to the office of clerk, and all fees now or heretofore or hereafter accruing to the office of clerk of the City Court of Savannah, be and the same are hereby abolished in so far as the same constitute the compensation of the said clerk, but the same schedule of fees and costs as prescribed under existing law shall remain for the purpose of ascertaining the sum or sums to be paid into the treasury of Chatham County, Georgia, and the clerk of the City Court of Savannah shall hereafter be paid a salary, in lieu of the fees, as under the present system of compensation. (Ga. L. 1927, p. 452, § 1; Ga. L. 1933, p. 353, § 3; Ga. L. 1949, p. 403, § 2.)

Sec. 1-598. Same—Authority to issue distress warrants, etc., and accept and approve bonds.

The clerk of the City Court of Savannah and his lawful deputies shall have power and authority to issue distress warrants, garnishments and attachments and to accept and approve bonds. (Ga. L. 1929, p. 468, § 2; Ga. L. 1931, p. 370, § 1.)

Sec. 1-599. Same — Not required to prepare and transmit record in certain cases.

The clerk of said City Court shall not be required to prepare or transmit to the court of appeals or the supreme court the record in any case where a bill of exceptions is filed, until the plaintiff in error shall have paid the costs of transcribing and certifying said record or has filed a pauper affidavit stating that, because of his poverty, he is unable to pay such costs. (Ga. L. 1923, p. 182, § 3.)

Sec. 1-5100. Same—County subrogated to clerk's rights to funds and emoluments.

In the distribution among officers of the City Court of Savannah of all costs, both in particular cases or matters and all insolvent costs and fines, forfeitures and fees paid into the City Court of Savannah or which may become due and payable therein, the County of Chatham shall be subrogated to the rights and claims of the clerk of the City Court of Savannah, and shall stand in his place and in his stead, and shall be entitled to all funds, monies and emoluments accruing to said office, and all officers who hold or obtain possession of any such funds, monies and emoluments to which said clerk would be entitled, except for the provisions of this Act, shall pay the same into the treasury of Chatham County. (Ga. L. 1927, p. 452, § 3.)

Sec. 1-5101. Sheriff generally — Salary; fee system abolished.

The salary of the sheriff of the City Court of Savannah shall be four thousand eight hundred dollars per year and [he] shall receive the additional sum of six hundred dollars per year as expenses for the operation of an automobile in the transaction of the business of the sheriff's office.

The fee system now existing in the City Court of Savannah as applied to the office of sheriff, and all fees now or heretofore or hereafter accruing to the office of sheriff of the City Court of Savannah be and the same are hereby abolished in so far as the same constitute the compensation of the said sheriff, but the same schedule of fees and costs prescribed under existing law shall remain for the purpose of ascertaining the sum or sums to be paid into the treasury of Chatham County, Georgia, and the sheriff of the City Court of Savannah shall hereafter be paid a salary in lieu of the fees as under the present system of compensation. (Ga. L. 1925, p. 498, § 1; Ga. L. 1949, p. 403, § 3.)

Sec. 1-5102. Same—County subrogated to sheriff's rights to funds and emoluments.

In the distribution among officers of the City Court of Savannah of all costs, both in particular cases or matters and all insolvent costs and fines, forfeitures and fees paid into the City Court of Savannah or which may become due and payable therein, the

County of Chatham shall be subrogated to the rights and claims of the sheriff of the City Court of Savannah and shall stand in his place and in his stead and shall be entitled to all funds, moneys and emoluments accruing to said office, and all officers who hold or obtain possession of any such funds, moneys, and emoluments to which said sheriff would be entitled, except for the provisions of this Act, shall pay the same into the treasury of Chatham County. (Ga. L. 1925, p. 498, § 3.)

Sec. 1-5103. Same—Service of process.

The sheriff of the said City Court and his deputies may serve the process of the court in any part of said County of Chatham. (Ga. L. 1880-81, p. 571, § 7.)

Sec. 1-5104. Election, bond, etc., of clerk and sheriff.

There shall be elected by the qualified voters of Chatham County a clerk of the City Court of Savannah, and a sheriff of the City Court of Savannah every four years. The said election shall be under the terms, conditions and regulations which appertain to the election for county officers. The result of the election shall be certified as is the result of the election for the clerk and sheriff of the superior court of Chatham County. The successful candidates shall be commissioned by the governor of the state, and shall qualify and give the bond as is now required with reference to the clerk and sheriff, respectively, of the superior court of Chatham County. (Ga. L. 1899, p. 411, § 1.)

Editor's note.—The words "every four years" at the end of the first sentence of this section were substituted for the words "for the term of two years, and biannually thereafter," in view of the provisions of the following section.

Sec. 1-5105. Terms of clerk and sheriff.

The clerk and sheriff of the City Court of Savannah to be elected at the next election to be held for the election of such officers, shall hold such offices for a term of four years and until their successors, are elected and qualified, and at all future elections for such office, said officers shall be elected for a term of four years.

The terms of the clerk and sheriff of the City Court of Savannah so elected, shall begin on the first day of the January succeeding the election. (Ga. L. 1899, p. 411, § 2; Ga. L. 1912, p. 304, § 1.)

Sec. 1-5106. Deputy clerks and other clerical assistants.

The number of deputy clerks [of the City Court] and/or other clerical assistants in such office shall be such as may be approved by said county commissioners, though they may be selected by said clerk [of the City Court]. The salary or salaries of such deputy clerk or clerks or any other clerical assistant of said office shall be fixed and determined by said county commissioners and shall be provided for and paid in the same manner as the clerk of said court. (Ga. L. 1933, p. 353, § 3.)

Sec. 1-5107. Bailiffs; stenographer.

The appointment of any and all bailiffs heretofore made or which may hereafter be made by the judge of the City Court of Savannah shall, so far as the number thereof is concerned, be subject to the approval of the county commissioners and ex officio judges of Chatham County; and the salary or salaries to be paid any such bailiff or bailiffs and/or a stenographer appointed in lieu of a bailiff shall be fixed and determined by said county commissioners and shall be paid out of the treasury of Chatham County, and shall be provided by said county commissioners in the same manner and from the same sources as the operating expense of the City Court of Savannah and as a part thereof. (Ga. L. 1933, p. 353, § 5.)

Sec. 1-5108. Reporter.

There shall be appointed by the judge of the City Court of Savannah a competent court reporter, who shall be required to make a stenographic report of all criminal cases and such civil cases as the parties litigant or the judge or ex officio judge may desire. The said court reporter shall hold office during the pleasure of the judge.

Said court reporter, when so appointed, shall be paid a salary in such an amount as may be fixed and determined by the county commissioners and ex officio judges of Chatham County, same to be paid from the county treasury as an expense of said court for his services in reporting and transcribing testimony in criminal cases, and said reporter, for the salary which he may receive, shall, whenever motion for a new trial is made or whenever directed by the court, transcribe the testimony so taken.

Fees for reporting civil cases shall be the same as prescribed for

the clerk of the superior courts in counties of the population of Chatham County, and such fees shall be retained by and be the property of said court reporter. (Ga. L. 1921, p. 384, §§ 1, 3; Ga. L. 1933, p. 353, § 4.)

Sec. 1-5109. Payment of salaries generally.

The salaries shall be paid to the judge of the City Court of Savannah, the clerk of the City Court of Savannah and the sheriff of the City Court of Savannah by the commissioners of Chatham County and ex officio judges thereof out of the treasury of the County of Chatham and shall be paid on a monthly basis. (Ga. L. 1949, p. 403, § 4.)

Sec. 1-5110. Grand jury abolished.

The grand jury in the City Court of Savannah is hereby abolished, and the judge of said court shall be no longer required to draw, have summoned and impanel said jury.

No defendant in any criminal case in the City Court of Savannah shall have the right to demand an indictment by a grand jury in said court or by a grand jury of Chatham County. (Ga. L. 1900, p. 148, §§ 1, 2.)

Sec. 1-5111. Jury lists and jurors generally.

It shall be the duty of the clerk of said City Court to prepare and file in his office copies of the traverse jury list of the superior court of Chatham County, as provided from time to time for such superior court, and the persons whose names are on such lists shall be respectively the traverse jurors of the said City Court; and traverse jurors shall be drawn therefrom in the manner now provided by the Act regulating the selection of jurors for City Court, approved December 17, 1878, and the Acts and laws having especial reference to the City of Savannah. And the traverse jurors of said City Court shall each serve fourteen days unless sooner discharged by the court, and shall each receive the sum of one dollar for each and every day's actual service, to be provided for by the county commissioners of Chatham County, and paid by the treasurer of said county in the same manner and under the same rules (so far as the same may be applicable) now provided for paying jurors of the superior court of said county. And if any person who shall be summoned to appear as a traverse juror shall fail to appear

at the time and place stated in his summons, the clerk of said City Court shall make out against, and the sheriff of said City Court or his deputy, or any bailiff or constable in said county, shall serve on such defaulting juror a rule commanding him to show cause, if any he have, before said court, at such time, not less than ten days from the serving of such rule, as the judge of said City Court shall direct, why he should not be dealt with as for a contempt of court; and if no satisfactory cause to the contrary is shown at such time, the judge may impose upon him a fine not to exceed twenty dollars, or imprisonment without labor, in the common jail of said county for a term not exceeding ten days, either or both, in the discretion of the court, and such defaulting juror shall in addition pay all the costs of such proceedings. (Ga. L. 1882-83, p. 532, § 3.)

Editor's note.—In accord with the provisions of the preceding section, reference to the grand jury list and grand jurors has been omitted throughout this section.

Sec. 1-5112. Locking of jury boxes; drawing of jurors.

Immediately after the passage of this Act the clerk of the City Court shall provide locks for the lid to each apartment of the jury box and the same shall be locked at all times except when necessary to take out and replace the tickets containing the names of the traverse jurors after each revision of the jury lists. The judge, in drawing juries, shall draw but one ticket from the box at a time, and each juror whose name is on a ticket taken from the box shall serve twelve days unless he is excused from service by the court. No person whose name is drawn other than as above provided shall be competent to serve as a juror in said court.

The judge of the City Court of Savannah shall have, and he is hereby given, the power to draw panels of jurors and tales jurors in addition to the regular panels, when necessary for the trial of criminal causes. (Ga. L. 1915, p. 122, § 6; Ga. L. 1917, p. 274, § 1.)

Sec. 1-5113. Filing of demurrers, pleas, etc.; defaults.

Defendants in cases brought in the City Court of Savannah shall file his [their] demurrer [s], plea [s] or answer [s] in writing on or before the opening of the court at the return term of the suit, and the pleadings shall conform to the general law of the state. In case of default, the same shall be noted on the docket, and, in such case, the defendant may of right before the opening of the court, on the

Monday following the beginning of the term, open the default by filing and pleading not dilatory. If the default be not so opened, the plaintiff may proceed ex parte and establish his demand, upon the proof thereof, but the judge of said court may, upon cause shown either before or after final judgment, open a default at any time within thirty days from the opening of the term. (Ga. L. 1910, p. 203, § 1.)

Sec. 1-5114. Suits against nonresident codefendant.

Where the City Court of Savannah shall have jurisdiction of suits against one or more joint obligors, joint promisers, joint trespassers or copartners, or against the maker or makers of a promissory note, or other like instrument, and the other joint obligors, joint promisers, joint trespassers or copartners, or other indorsers of promissory note, shall reside outside the limits of the City of Savannah, and within the County of Chatham, or any other county or counties in this state, suit may be brought in the said City Court of Savannah, by the same action, against all the said joint obligors, joint promisers, joint trespassers, or copartners, and against the maker and indorser of promissory notes; and, in such cases, the clerk of the said court shall issue other originals of the petition and process for such cases, one for each county where the defendants may reside, and forward the same to the sheriff of said county, who shall serve the copy and return the second or other original, with his entry thereon, to the clerk of said City Court of Savannah, and the process shall be directed to the sheriff of the City Court of Savannah, and to the sheriffs of the counties where the defendants reside; but nothing herein shall be construed to require a formal direction of the process. The mode and manner of conducting such suits shall be the same as in other cases of similar character. (Ga. L. 1871, p. 67, §§ 1, 2.)

Sec. 1-5115. Attachments.

All attachments returnable to the said City Court of Savannah shall be triable at the first term, that is to say, at the term to which made returnable. The declaration in attachment shall be filed on the first day of the term; and all answers, demurrers and other defenses thereto shall be filed in said court on the second Monday in the term to which said attachment is made returnable, or else the said cause shall be marked in default of said second Monday, and a verdict or judgment may be taken. After any such case is

marked in default or after a verdict or judgment may have been taken or entered by reason of such default, the judge of said court may, within ten days, set aside such default or set aside such verdict or judgment, upon application duly made, for good and sufficient cause shown, and upon payment of costs by the applicant, and upon the applicant filing immediately his defenses and announcing ready for trial. (Ga. L. 1927, p. 452, § 6.)

Sec. 1-5116. Trials and hearings not to be stayed or discontinued because of new session.

When the trial or hearing of any cause, civil or criminal, in the City Court has been commenced and is in progress before a jury of the court, it shall not be stayed or discontinued by the arrival of the time fixed by law for another session of said court; and the court may proceed therein and bring it to a conclusion, in the same manner and with the same effect as if another stated term of the court had not intervened. (Ga. L. 1915, p. 122, § 4.)

Sec. 1-5117. New trials.

The judge of said City Court shall have power and authority to grant new trials under the principles of law governing the grant of new trials. Motions for new trial shall be filed during the term at which the verdict is rendered and written ten days from the date of the verdict and not later. The motion may be amended at any time before the hearing. The said judge shall so order the proceedings that the motion shall be heard and determined within sixty days from the date of the filing of the motion. The judge deciding the motion shall make a specific ruling as to each ground of the motion and, in the order passed thereon, shall definitely state the grounds sustained and those overruled. No second new trial shall be granted in any case except for errors of law or where there is no evidence to support the verdict. (Ga. L. 1915, p. 122, § 5; Ga. L. 1920, p. 387, § 1(a).)

Sec. 1-5118. Costs and fees generally.

In all cases filed in the City Court of Savannah, where the amount of money or the value of the property involved is not greater than the jurisdictional amount of the municipal court of Savannah, the costs or fees charged and collected in said City Court of Savannah shall always be the same as the fees and costs provided for by law

for like cases of like amount in said Municipal Court of Savannah; it being the intention of this section to provide that the costs and fees in the two said courts shall be the same where the case in said City Court as to the amount of money or the value of the property involved is within the jurisdictional limit of the Municipal Court of Savannah. (Ga. L. 1927, p. 452, § 7; Ga. L. 1929, p. 468, § 3.)

Sec. 1-5119. Filing fee; transfer of case to Municipal Court.

Upon the filing of every suit of a civil nature in the City Court of Savannah involving the amount of three hundred dollars or any sum or amount less than said sum, there shall be deposited with the clerk of the City Court of Savannah by the person filing the same a deposit fee of three dollars for each case to be applied to the costs of court in said suit. Upon the final determination of such case the said filing fee shall be taxed as costs just as other costs are taxed in said court. In all suits of a civil nature filed in said court where the amount involved is one hundred dollars or less, the judge of the City Court of Savannah may, in his discretion, transfer said suit to the Municipal Court of Savannah for trial, in which event the said filing fee of three dollars shall be paid to the clerk of the Municipal Court of Savannah by the clerk of the City Court of Savannah when said case is transferred with the record to said Municipal Court. (Ga. L. 1933, p. 353, § 6.)

Sec. 1-5120. Divisions.

The said [City] Court may be held in divisions so that different cases may be tried in said court contemporaneously by the different judges thereof. (Ga. L. 1915, p. 122, § 2.)

Division 2. Judge.

Sec. 1-5121. Election generally.

A judge for the City Court of Savannah shall be elected at the general election for state and county offices to be held on the first Wednesday is October, 1906, and at such general election, each four years thereafter, all qualified voters of Chatham County shall be entitled to vote at all elections held hereunder. (Ga. L. 1905, p. 351, § 1.)

Sec. 1-5122. Qualifications.

No person shall be qualified to hold such office of judge of the City Court of Savannah unless such person has been a practicing attorney for at least five years or in lieu thereof shall have served as a judge of one of the several courts located in Chatham County, and shall have been a citizen of Chatham County for a period of at least five years and shall have attained the age of thirty years. (Ga. L. 1952, p. 2607, § 1.)

Sec. 1-5123. Term of office.

The term of office of the judge elected at said election to be held on the first Wednesday in October, 1906, shall begin January 1st, 1908, and extend three years thereafter, or until his successor is elected and qualified, and the terms of all judges so elected after October, 1908, shall begin on the first of January of the year succeeding their election and extend for four years thereafter, or until their successors are elected and qualified. (Ga. L. 1905, p. 351, § 2.)

Sec. 1-5124. Salary.

The salary of the judge of the City Court of Savannah shall be ten thousand dollars per year. Said salary shall be paid to the said judge of the City Court of Savannah by the commissioners of Chatham County and ex officio judges thereof out of the treasury of the County of Chatham and shall be paid on a monthly basis. (Ga. L. 1953, Jan.-Feb. Sess., p. 2178, §§ 1, 2.)

Sec. 1-5125. Not to practice law.

The judge of the said City Court shall not practice law in any way or in any court of this state, or of the United States, during his continuance in office. (Ga. L. 1882-83, p. 532, § 1; Ga. L. 1888-89, p. 1157, § 1.)

Sec. 1-5126. Vacancies in office.

In the event of a vacancy from death, resignation or other cause from and after the passage of this Act a special election to fill said vacancy shall be called by the ordinary of Chatham County, to be held not sooner than twenty days nor later than thirty days from the date of the call. Such special election shall be held and governed

by the laws of the state provided for special elections, and the judge so elected shall serve out the remainder of said term and until his successor is elected and qualified; in the event of a vacancy, the governor may appoint a judge, who shall hold office until said vacancy is filled in the manner hereinbefore provided. (Ga. L. 1905, p. 351, § 3.)

Sec. 1-5127. Absence of judge.

Whenever the judge of said City Court is absent from the State of Georgia, any judge of a City Court of the State of Georgia be, and he is hereby qualified, and may preside in the place and stead of the judge of said court. (Ga. L. 1910, p. 203, § 2.)

Sec. 1-5128. Powers relative to habeas corpus.

The judges of the City Court of Savannah shall have power to issue writs of habeas corpus and to hear and dispose of the same and to discharge, admit to bail or remand to jail any prisoner according to his discretion and the law of the land; provided, his power above conferred shall only extend to cases arising within the extended corporate limits of the City of Savannah; and provided further, that nothing in this Act shall be so construed as to lessen or take away the powers of the judge of the superior court, or the justices of the inferior court of the County of Chatham. (Ga. L. 1859, p. 55, § 1.)

Sec. 1-5129. Judge to preside and have complete jurisdiction; chief judge of Municipal Court presiding as ex officio judge.

The judge of the City Court shall preside and have complete jurisdiction in the trial and disposition of all misdemeanor cases and all civil matters arising in said court or properly being within the exclusive jurisdiction of said court. No other judge is authorized to preside in said court as an ex officio judge of said court but the chief judge of the Municipal Court of Savannah may preside during the absence, incapacity or disability of said judge of the City Court or when requested to so preside by the presiding and duly elected and qualified judge of the City Court. (Ga. L. 1952, p. 2608, § 2.)

Chapter 1-6. Education.[9]

Article I. In General.

§ 1-601. Appropriations for educational purposes.
§ 1-602. Authority to establish and operate junior college.

Article II. Board of Public Education.

§ 1-603. Established; design and purpose.
§ 1-604. Name changed; jurisdiction extended over Chatham County.
§ 1-605. Declared a substitute for county board.
§ 1-606. Election of members.
§ 1-607. Terms of members; Massie School Commissioners as members.
§ 1-608. Vacancies.
§ 1-609. Majority of members to be parents of school children.
§ 1-610. Eligibility of members after expiration of terms.
§ 1-611. Election of president.
§ 1-612. Incorporation; powers and duties generally.
§ 1-613. Control of buildings and grounds.
§ 1-614. Authority to borrow money.
§ 1-615. Authority relative to pension system—Generally.
§ 1-616. Same—Administration of funds.
§ 1-617. Charter amendment confirmed.
§ 1-618. Change of general law to ipso facto amend charter.
§ 1-619. Demand and receipt of educational fund.
§ 1-620. Transfer and use of free school fund.
§ 1-621. Certain rights of county commissioners not affected.
§ 1-622. Affect of general law on rights and powers.
§ 1-623. Act of August 2, 1923, not repealed.

ARTICLE I. IN GENERAL.

Sec. 1-601. Appropriations for educational purposes.

The Mayor and Aldermen of the City of Savannah is authorized and empowered to appropriate and expend money from the treasury of the City of Savannah, by a majority vote of the Board of Aldermen at any regular meeting of city council, or at any special meeting duly called, for the purpose of giving aid or encouragement to any educational organization or cause in the City of Savannah in such amount as council may deem advisable. (Ga. L. 1937, p. 2095, § 2.)

9. For special legislative provisions relative to Armstrong College, see ch. 1-3.
For ordinance provisions relative to Armstrong College, see Tit. 7.

Sec. 1-602. Authority to establish and operate junior college.

The Mayor and Aldermen of the City of Savannah shall have power and authority, either in its corporate capacity or by a commission, to own, build, establish, maintain and operate a school or schools for higher education, of a class commonly known as a junior college, and charge such fees, dues, rentals and other charges as are proper and necessary in the operation of said schools or junior college, and shall have the power and authority to borrow money for the purpose of erecting necessary buildings, either by pledging the credit of the said city, or by pledging the income, fees and rentals from said schools or junior college. (Ga. L. 1935, p. 1171, § 1.)

ARTICLE II. BOARD OF PUBLIC EDUCATION.

Sec. 1-603. Established; design and purpose.

There shall be established in and for the City of Savannah a permanent board of education, to be styled the "Board of Public Education for the City of Savannah", whose design and purpose shall be the direction, management and superintendence of the public education of white [1] children in the said city, between the ages of six and eighteen years. (Ga. L. 1865-66, p. 78, § 1.)

Sec. 1-604. Name changed; jurisdiction extended over Chatham County.

The name and style of the said board of education shall be "The Board of Public Education for the City of Savannah and the County of Chatham." All the powers, rights and privileges and authority conferred upon the said board by the Act of which this Act is amendatory, or which may hereafter be conferred upon it by any other Act, shall be and the same are hereby extended over the whole County of Chatham, and the said board shall be exculsively entitled to receive from every public officer or person who may be in possession of, or authorized to distribute the state and county educational funds, the whole proportion of the said funds to which the said County of Chatham may be entitled, and appropriate and distribute

1. See § 1-617 as to the amendment of the charter of the board of education which extended the board's jurisdiction so as to include the education of Negro children.

the same at their discretion, for the education of all the white children in the said county, between the ages of six and eighteen years, whether residing within or without the limits of the City of Savannah; provided, that all such sums of money as may be received by the said board from the city council of Savannah, for educational purposes, shall be exclusively appropriated to the education of the white children between the ages aforesaid, residing in the said city. (Ga. L. 1866, Nov.-Dec. Sess., p. 175, §§ 1, 2.)

Sec. 1-605. Declared a substitute for county board.

The said board shall be and it is hereby declared to be a substitute for the board of public education established for the said county by existing laws. (Ga. L. 1866, Nov.-Dec. Sess., p. 175, § 3.)

Sec. 1-606. Election of members.

During the last thirty-day period preceding the expiration annually of the terms of office of two members of said board, the successors to said two members shall be chosen as follows: The Mayor of the City of Savannah shall submit a nomination or nominations to the city council of Savannah, and said city council shall elect from the nomination or nominations thus submitted, one member of said board of public education for a term of six years; and the chairman of the board of county commissioners of Chatham County shall in like manner submit a nomination or nominations to the board of county commissioners of Chatham County and said board of county commissioners of Chatham County shall elect from the nomination or nominations thus submitted one member of said board of public education for a term of six years. (Ga. L. 1933, p. 1067, § 2.)

Sec. 1-607. Terms of members; Massie School Commissioners as members.

The terms of office of the members of the board of public education for the City of Savannah and the County of Chatham (including the Massie School Commissioners) shall expire and be terminated in the following manner:

Annually beginning January 1st, 1924, the terms of two members of the said board shall expire.

The expirations of the terms of the three Massie School Commissioners whose terms of office under the ordinances of the City of

Savannah expire on January 1st, 1925, shall be fixed, and their terms shall continue as so fixed, and they and their successors shall serve as regular members of said board and the power of appointment under the ordinances of said city of three Massie School Commissioners to serve on said board is hereby terminated. (Ga. L. 1923, p. 771, §§ 1, 3.)

Editor's note.—This section originally contained a provision as to the expiration of the terms of the members serving on the board at the time this Act was adopted. This provision has been omitted, since its purpose has been accomplished.

Sec. 1-608. Vacancies.

All vacancies hereafter arising in the membership of said board of public education by reason of death or resignation shall be filled in the manner hereinbefore set forth, on nominations by said Mayor to said city council or by said chairman of the board of county commissioners to said board of county commissioners, according as the member whose place is to be filled was chosen by the one or the other body. (Ga. L. 1933, p. 1067, § 3.)

Sec. 1-609. Majority of members to be parents of school children.

In all nominations to membership on said board of public education, the Mayor of the City of Savannah and the chairman of the board of county commissioners of Chatham County shall so choose their nominees that, as soon as possible after the passage of this Act, and at all times hereafter, a majority of the members of said board of public education shall be parents who have, or have had, a child or children enrolled in the public schools of the City of Savannah or County of Chatham. (Ga. L. 1933, p. 1067, § 4.)

Sec. 1-610. Eligibility of members after expiration of terms.

The tenure of office of the several members of the board of public education for the City of Savannah and County of Chatham now in office shall terminate at the expiration of the terms for which they were severally chosen, and no member of said board, whether now in office or hereafter chosen, shall be eligible to hold the said office of a member of said board of education until one year after the ex-

piration of the term for which such member shall have previously served. (Ga. L. 1933, p. 1067, § 1; Ga. L. 1951, p. 2207, § 1.)

Sec. 1-611. Election of president.

The president [of the board of public education] shall be elected annually by the members of the board during the month of December. (Ga. L. 1933, p. 1067, § 1; Ga. L. 1951, p. 2207, § 1.)

Sec. 1-612. Incorporation; powers and duties generally.

The following named citizens of Savannah: Richard D. Arnold, John Stoddard, Solomon Cohen, Henry Williams, Edward J. Harden, John L. Villalonga, John Williamson, Edward C. Anderson and John C. Ferrill, together with the commissioners of the Massie School, who may from time to time be appointed under the ordinances of said city, shall constitute the said board, and under the name and style aforesaid, shall be, and they are hereby created a body politic and corporate, with perpetual succession of members for the purpose aforesaid, and as such shall have full power and authority to devise, establish and modify from time to time, a plan and system of education for white children, between the ages of six and eighteen years in the City of Savannah, and to superintend the same; to appoint, suspend and remove teachers of such children, and provide schoolhouses, to make bylaws, rules and regulations for their own government and for the government of the teachers and schools under their superintendence, to designate and elect officers of the said board, and to fill vacancies (except vacancies among the commissioners of the Massie School), in any manner whatever caused, either among officers or members of the said board, and to take, acquire, receive, hold and enjoy, for the purposes aforesaid, moneys and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest, and that they, as such body corporate and by the name and style aforesaid, may sue and be sued, and may have a common seal, and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations, and necessary and convenient for carrying out the purposes of their creation. (Ga. L. 1865-66, p. 78, § 2.)

Sec. 1-613. Control of buildings and grounds.

The said board and corporation shall, for the purposes aforesaid, have possession and control of the building in Savannah known as

the "Public School," with the grounds appertaining thereto, of the building known as the "Massie School," with the grounds appertaining thereto, and of all and any other buildings and grounds that may be placed in their possession, or under their management, control and superintendence, for the purposes aforesaid, without divesting or changing nevertheless the title of any of the said buildings or grounds, unless the same shall be distinctly conveyed to the said board. (Ga. L. 1865-66, p. 78, § 3.)

Sec. 1-614. Authority to borrow money.

The board of public education for the City of Savannah and County of Chatham is hereby authorized to borrow money from time to time, whenever necessary, for the purpose of promptly paying its teachers and meeting its other current expenses, and to give its obligations therefor, which obligations shall be binding upon the said board and its property, and may bear the current rate of interest not exceeding the legal rate. The said board shall not borrow for any particular year in excess of its resources for such year. (Ga. L. 1917, p. 975, § 2.)

Sec. 1-615. Authority relative to pension system—Generally.

The board of public education for the City of Savannah and the County of Chatham is hereby authorized to adopt, establish and administer a system of pensions for old age and disabilities of its teachers and employees and to contribute the necessary funds therefor from the public moneys committed to its charge, and to adopt reasonable rules and regulations for the administration of the same. The system of pensions adopted by said board may provide that only such persons as contribute to said funds out of their wages or salaries shall be entitled to participate in the benefits of said system of pensions. The system adopted by said board and the rules and regulations for the administration thereof shall be uniform in their application to all persons similarly situated. (Ga. L. 1937, p. 2094, §§ 1, 2.)

Sec. 1-616. Same—Administration of funds.

The board of public education for the City of Savannah and County of Chatham is hereby authorized and empowered to administer any and all funds which may be appropriated for and contrib-

uted toward teachers' retirement allowances or pensions. (Ga. L. 1929, p. 1281, § 1.)

Sec. 1-617. Charter amendment confirmed.

Whereas, the superior court of Chatham County, Georgia, by an order passed December 2, 1878, amended the charter of the board of public education for the City of Savannah and County of Chatham so as to extend the jurisdiction of said board over public schools for the education of colored children, or children of African descent, in the City of Savannah and County of Chatham, between the ages of six and eighteen years; and whereas, question has been made as to the validity of this order, and it is desirable that any doubt on the subject be removed; and, whereas, question has also been made as to the power of the said board to borrow money and give its obligations therefor, and it is desirable also that this doubt be removed; it is therefore enacted by the General Assembly of the State of Georgia, that the said order of the said superior court be and it is hereby validated and confirmed, and all the rights and powers given, or attempted to be given, by the said order to the said board of public education for the City of Savannah and County of Chatham are hereby conferred upon the said board as fully and as completely as if the said amendment had been passed by the Legislature of this state. The said board shall have all the rights, powers and authority with regard to the receipt and use of public money and other property for the support of public schools for said colored children or children of African descent, in the City of Savannah and County of Chatham, between the ages of six and eighteen years, and their direction, management and control, that the said board has with reference to public schools for white children and their support in the said city and county. (Ga. L. 1917, p. 975. § 1.)

Sec. 1-618. Change of general law to ipso facto amend charter.

When and if the General Assembly shall remove or change the limitation of the use of public educational funds to the education of children between the ages of six and eighteen years, the provisions in the charter of the board of public education for the City of Savannah and County of Chatham, containing a similar limitation, shall be ipso facto changed to accord with the provisions of the general law on this subject. (Ga. L. 1929, p. 1280, § 1.)

Sec. 1-619. Demand and receipt of educational fund.

The said board and corporation shall be entitled to demand and receive, for the purposes aforesaid, from the treasurer of the board of education of Chatham County, and from every other state or county officer, or person who may be in possession [of] or authorized to distribute the educational fund for the said county, so much of the said fund as shall be in proportion to the number of white children of said county, residing in the City of Savannah, and also to demand and receive such sums as may be appropriated by the city council of Savannah, for the purposes aforesaid, and to expend the same for the purposes aforesaid, according to their discretion. Nothing in this Act contained shall be held or construed to divest or diminish the rights and powers of the board of education for the County of Chatham as to so much of the said county as is not embraced within the limits of the City of Savannah. (Ga. L. 1865-66, p. 78, §§ 4, 5.)

Sec. 1-620. Transfer and use of free school fund.

The treasurer of the County of Chatham, immediately upon the passage of this Act, shall assign, transfer and deliver to the said board of public education all the stocks, bonds, securities, moneys, properties and effects, whatsoever, in his possession or control, under the provisions of said Act of December 16, 1851, and to this end said county treasurer is hereby fully empowered to make all necessary or usual entries and transfers upon the books of corporations or companies. Upon making such transfer and delivery, and taking the receipt of said board of public education for all stocks, bonds, securities, moneys or effects so transferred, delivered or paid, the said county treasurer and his securities shall stand discharged from all further liability under said Act. Such transfer and delivery shall be free from cost or charges to said board of public education. Said board of public education for the City of Savannah and the County of Chatham, shall receive, hold, use and apply said fund for the purpose of common or free school education in their sound discretion under their charter, and may employ the income or principal of said fund, in whole or in part, to pay the expense of maintaining the public schools in the City of Savannah and the County of Chatham, in the repair or improvement of existing school buildings, in the construction of new ones, in the acquisition of school sites, or as they may deem best for the cause of public education committed to their charge. (Ga. L. 1886, p. 309, §§ 1, 2.)

Sec. 1-621. Certain rights of county commissioners not affected.

Nothing herein contained shall be construed in any manner to affect the right of the county commissioners, under laws now existing or hereafter to be passed, to levy an extra tax, or to appropriate the surplus funds of the county, for the purposes of education, or to deprive the said county of any share of any fund for the purpose of education now existing or hereafter to be created by law or otherwise. (Ga. L. 1886, p. 309, § 3.)

Sec. 1-622. Affect of general law on rights and powers.

No general law upon the subject of public education now in force or hereafter to be enacted shall be held, deemed or construed to interfere with, diminish or supersede the rights, powers and authority conferred upon the said board of public education for the City of Savannah and the County of Chatham, by this Act or the Act of which it is amendatory, unless it shall be so expressly enacted. (Ga. L. 1866, Nov.-Dec. Sess., p. 175, § 4.)

Sec. 1-623. Act of August 2, 1923, not repealed.

This Act shall not be construed to affect, alter or repeal that certain Act of the General Assembly of Georgia adopted and approved August 2, 1923, and found in Georgia Laws 1923, page 232, which provides for the election of said members of said board of education by the people under the conditions there stated. (Ga. L. 1933, p. 1067, § 5.)

Chapter 1-7. Elections.[2]

Article I. In General.

§ 1-701. Definitions.
§ 1-702. Eligibility of persons who have re-registered.
§ 1-703. Voting machines generally—Authority to use.
§ 1-704. Same—Authority of council to procure.
§ 1-705. Same—Number.
§ 1-706. Same—Specifications.
§ 1-707. Same—Experimental use.
§ 1-708. Same—Payment for.
§ 1-709. Same—Maintenance.
§ 1-710. Same—Pre-election display.
§ 1-711. Same—Exterior to be in plain view; location; custodian generally; etc.
§ 1-712. Same—Storage.
§ 1-713. Precincts and districts.
§ 1-714. Election officers.
§ 1-715. Ballot-labels generally.
§ 1-716. Paper ballots.
§ 1-717. Election day procedure generally.
§ 1-718. Lighting and diagrams at polling places.
§ 1-719. Assistance to voters.
§ 1-720. Voting by mail.
§ 1-721. Write-in ballots.
§ 1-722. Speaking by and to electors.
§ 1-723. Procedure after polls close.
§ 1-724. City to pay county commissioners for work in connection with elections.
§ 1-725. Offenses generally.
§ 1-726. Effect of article on other acts.

Article II. General Elections Generally.

§ 1-727. When held.
§ 1-728. Qualifications of candidates
§ 1-729. Candidates to file notice and declaration.
§ 1-730. Conduct generally.
§ 1-731. Number of ballot boxes.
§ 1-732. Hours of voting.
§ 1-733. Who may vote.
§ 1-734. Registration of voters generally.
§ 1-735. When registration book to be closed.
§ 1-736. List of voters.

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2. As to elections for recorder, see § 1-505.

§ 1-737. Duties of clerk of council.
§ 1-738. Illegal voting.
§ 1-739. Meeting, term, oath, etc., of successful candidates.
§ 1-740. Police to be under control of Mayor on election day; police not to interfere with voters.

Article III. Primaries Generally.

§ 1-741. When held.
§ 1-742. Conduct generally.
§ 1-743. Who may vote; list of voters.
§ 1-744. Number of boxes, hours of voting, etc.
§ 1-745. Control of first election; executive committees.
§ 1-746. Nominees.

ARTICLE I. IN GENERAL.

Editor's note.—The "Voting Machine Act" (Ga. L. 1947, p. 791), which is carried in this article, was duly adopted by the citizens of the city at a referendum held in accord with the Act. The provisions of the Act dealing with the referendum have been deleted, since their purpose has been accomplished.

Sec. 1-701. Definitions.

The list of offices and candidates, and the statements of questions on the voting machine shall be deemed an "official ballot", and that as used in this Act:

1. The words "ballot-labels" shall mean the cards, paper, or material containing the names of offices and candidates and statements of questions to be voted on;

2. The word "diagram" shall mean an illustration of the official ballot, when placed upon the machine, showing the names of the parties, offices and candidates, and statements of the questions, in their proper places, together with the voting devices therefor, and shall be considered a specimen ballot;

3. The word "question" shall mean a brief statement of such constitutional amendment or other proposition as shall be submitted to a popular vote at any election;

4. The words "write-in" ballot shall mean the paper or other material on which a vote is cast on a voting machine for persons whose names do not appear on the ballot-labels;

5. The words "registering counters" shall mean the counters on which are registered numerically the votes cast for candidates, and on questions, respectively;

6. The words "public counter" shall mean a counter or other device which shall, at all times, publicly indicate how many times the machine has been voted on at an election;

7. The words "protective counter" shall mean a counter on protective device or devices that will register each time the machine is operated, and shall be constructed and so connected that it cannot be reset, altered, or operated, except by operating the machine;

8. The word "custodian" shall mean the person charged with the duty of testing and preparing the voting machine for the election, and instructing the election officers in the use of the voting machine;

9. The words "election" and "elections", whenever used in this Act, shall be held to include and mean all regular, special or other elections held under or by the authority of any municipality or city in this state having a population of not less than 95,000 inhabitants and not more than 200,000 inhabitants according to the United States Census of 1940 or any future census, also any general and all other elections hereafter held in any such municipality or city, or in any part thereof;

10. The words "registering compartment" shall mean that part of the voting machine containing the registering counters.
(Ga. L. 1947, p. 791, § 23.)

Sec. 1-702. Eligibility of persons who have re-registered.

At the next primary for nomination of Mayor and Aldermen of the City of Savannah and at the next general election for Mayor and Aldermen of the City of Savannah, the persons qualified to vote in such primary and general election shall be those persons only who have resided within the corporate limits of the City of Savannah as required by law, and who have registered as qualified voters in the County of Chatham since the 25th day of February, 1949, and also those persons who shall register after the approval of this Act under the provisions of existing state law which would qualify such persons to vote for members of the General Assembly at the next general election and at the state primary held prior to the next general election. It being the intent of this Act to qualify as registered voters all persons living within the corporate limits of the City of Savannah and who have re-registered under the registration Act of February 25, 1949, and to include all persons who hereafter re-register under any change in existing state law which may supersede the re-registration Act of 1949. (Ga. L. 1950, p. 2477, § 2.)

Sec. 1-703. Voting machines generally—Authority to use.

At all elections hereafter held in all municipalities and cities in the State of Georgia having a population of not less than 95,000 inhabitants and not more than 200,000 inhabitants according to the United States Census of 1940 or any future census, whether regular, special, or other elections held under or by authority of any municipality or city in this state having a population of not less than 95,000 inhabitants and not more than 200,000 inhabitants according to the United States Census of 1940 or any future census, or any election held for the purpose of determining any question or matter which may be submitted to and referred to the vote of the people of any such municipality or city, or any part thereof, ballots or votes may be cast, registered, recorded and counted by means of voting machines meeting the requirements of this Act as hereinafter provided; also, at any and all other elections hereafter held in any such municipality or city, or in any part thereof, ballots or votes may be cast, registered, recorded and counted by means of voting machines meeting the requirements of this Act. (Ga. L. 1947, p. 791.)

Sec. 1-704. Same—Authority of council to procure.

Be it further enacted by the authority aforesaid, that the Mayor and council, Mayor and Aldermen, or other governing authorities of any municipality or city in this state having a population of not less than 95,000 inhabitants and not more than 200,000 inhabitants according to the United States Census of 1940 or any future census, may at any regular meeting or at a special meeting called for the purpose, by a majority vote, adopt, purchase, authorize, lease or otherwise procure and provide for the use of, any voting machine meeting the requirements of this Act as hereinafter provided, in any one or more voting precincts within said muncipality or city, and thereafter said machine and any requisite number of same may be used for voting at all elections for public officers and at all regular, special and other elections held by or under the authority of any such municipality or city in this state having a poulation of not less than 95,000 inhabitants and not more than 200,000 inhabitants according to the United States Census of 1940 or any future census, and on all questions and matters that may be submitted thereat, and at any general and all other elections hereafter held in any such municipality or city, or in any part thereof, and for receiving, registering, recording and counting the votes of the

electors in such election district or districts, precinct or precincts, as the Mayor and council, Mayor and Aldermen, or other governing authorities shall direct. (Ga. L. 1947, p. 791, § 2.)

Sec. 1-705. Same—Number.

The Mayor and council, Mayor and Aldermen, or other governing authorities of the municipality or city shall purchase, or lease, or rent for each election district or precinct of such municipality or city, one or more voting machines, of a kind or kinds which meet the requirements of this Act as hereinafter provided. The Mayor and council, Mayor and Alderman, or other governing authorities of the municipality or city may provide in each election district or precinct in which voting machines are to be used one voting machine for each five hundred registered voters, or fraction thereof, therein, and shall provide one voting machine for each six hundred registered voters, or fraction thereof, therein. (Ga. L. 1947, p. 791, § 4.)

Sec. 1-706. Same—Specifications.

No voting machine shall be adopted or used unless it shall, at the time, satisfy the following requirements:

It shall afford each elector an opportunity to vote in absolute secrecy; it shall provide facilities for voting for such candidates as may be nominated, and upon such questions as may be submitted; it shall permit each voter, at other than primary elections, to vote a straight party ticket in one operation; and, in one operation, to vote for all the candidates of one party for presidential electors, and, in one operation, to vote for all the candidates of one party for every office to be voted for except those offices as to which he votes for individual candidates; it shall enable each voter, at other than primary elections, to vote a ticket selected from the nominees of any and all parties, from independent nominations, and from persons not in nomination; that it enables each voter to vote, at any election, for any person and for any office for whom and for which he is lawfully entitled to vote, whether or not the name of such person or persons appears upon a ballot-label as a candidate for nomination or election, and to vote for as many persons for an office as he is entitled to vote for, and to vote for or against any question upon which he is entitled to vote; it shall preclude each voter from voting for any candidate, or upon any question, for whom or upon which he is not entitled to vote, and from voting

for more persons for any office than he is entitled to vote for, and from voting for any candidate for the same office or upon any question more than once; it shall be capable of adjustment by election officers, so as to permit each voter at a primary election to vote for the candidates for non-partisan nomination, if any, and for the candidates seeking nomination by the political party, in which he is enrolled, if he is enrolled as a member of a political party, and so as to preclude him from voting for the candidates seeking nomination by any political party in which he is not enrolled; it shall permit each voter to deposit, write in, or affix upon receptacles or devices provided for the purpose, ballots containing the names of persons for whom he desires to vote, whose names do not appear upon the machine; it shall permit each voter to change his vote for any candidate, or upon any question appearing upon the ballot-labels, up to the time he begins the final operation to register his vote, or indicates or expresses his intention to register his vote; it shall not only secure to the voter absolute secrecy in the act of voting as hereinbefore provided but it shall be so constructed that no person can see or know for whom any other elector has voted or is voting, save a voter whom he has assisted or is assisting in voting as prescribed by law; it shall have voting devices for separate candidates and questions, which shall be arranged in separate rows or columns, so that, at any primary election, one or more adjacent rows or columns may be assigned to the candidates of a party, and shall have parallel office columns or rows tranverse thereto; it shall provide for registering of the votes of at least six hundred voters at any one election; it shall be so constructed that votes may be cast thereon for constitutional amendments or any other public measure or question; it shall have a public counter, or other device, the register of which is available from the outside of the machine, which shall show during the period of voting the total number of voters who have operated the machine during said period of voting; it shall have a protective counter, or other device, which shall record the cumulative total number of movements of the operating mechanism; it shall be provided with a lock or locks, by the use of which, immediately after the polls are closed, or the operation of the machine for an election is completed so that all movements of the registering mechanism is absolutely prevented; it shall be provided with a screen, hood or curtain, which shall conceal the actions of the voter while voting; it shall be constructed of material of good quality, in a neat and workmanlike manner; it shall, when properly operated, register or

record correctly and accurately every vote cast; it shall be so constructed that a voter may readily learn the method of operating it; it shall be safely transportable; it shall be so constructed and controlled, that, during the progress of voting, it shall preclude every person from seeing or knowing the number of votes registered for any candidate, and from tampering with any of the registering mechanism; it shall have a key or keys for the aforementioned lock or locks. (Ga. L. 1947, p. 791, § 5.)

Sec. 1-707. Same—Experimental use.

The authorities of any municipality or city, authorized by this Act to adopt a voting machine or voting machines may provide for the experimental use at any election or elections, of a machine which they might lawfully adopt, without a formal adoption thereof, and such use at such election shall be as valid for all purposes as if it had been lawfully adopted; such use may be in one or more election precincts of any municipality or city, hereinabove referred to. (Ga. L. 1947, p. 791, § 6.)

Sec. 1-708. Same—Payment for.

The Mayor and council, Mayor and Aldermen, or other governing authorities of any municipality or city in this state having a population of not less than 95,000 inhabitants and not more than 200,000 inhabitants according to the United States Census of 1940 of any future census, which authorities are hereinafter referred to as the local authorities, on the adoption and lease or purchase of a voting machine or machines may provide for the payment therefor in such manner as may be deemed for the best interests of the municipality or city. They may for that purpose make leases, issue bonds, certificates of indebtedness, or other obligations, which shall be a charge on the municipality or city. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the local authorities may determine, subject to constitutional limitations. (Ga. L. 1947, p. 791, § 7.)

Sec. 1-709. Same—Maintenance.

The local authorities adopting a voting machine or voting machines shall, as soon as practicable thereafter, provide for each voting or polling place one or more voting machines according to the necessity therefor, in complete working order, and shall pre-

serve and keep in repair the same, and shall have custody thereof, and the furniture and equipment of the polling place when not in use at an election. (Ga. L. 1947, p. 791, § 9.)

Sec. 1-710. Same—Pre-election display.

During the thirty days next preceding an election, the local authorities shall place on public exhibition, in such places and at such times as they deem most suitable for the information and instruction of the voters, one or more voting machines, containing the ballot-labels, and showing the offices and questions to be voted upon, the names and arrangements of parties, and, so far as practicable, the names and arrangements of the candidates to be voted for. Such machine or machines shall be under the charge and care of a person competent as custodian and instructor. No voting machine, which is to be assigned for use in an election, shall be used for such public exhibition and instruction, after having been prepared and sealed for the election. During such public exhibition and instruction, the counting mechanism of the voting machine shall be concealed from view, and the doors, or cover concealing the same shall be opened, if at all, only temporarily, and then only upon written authorization from the local authorities. (Ga. L. 1947, p. 791, § 11.)

Sec. 1-711. Same—Exterior to be in plain view; location; custodian generally; etc.

The exterior of the voting machines and every part of the voting or polling place shall be in plain view of the election watchers and officers. The voting machine shall be located at the voting or polling place in such position, that, unless its construction shall require otherwise, the ballot-labels on the face of the machine can be seen plainly by the election officers and watchers when the machine is not occupied by a voter. The election managers or commissioners shall not themselves be, nor allow any other person to be, in any position that will permit one to see or ascertain how a voter votes, or how he has voted. The election managers, or one of them, shall inspect the face of the machine at frequent intervals, to see that the ballot-labels are in their proper places, and that the machine has not been injured or tampered with. During an election, the door or other covering of the compartment containing the counters of the machine shall not be unlocked or opened, or the counters exposed, except by action of the proper custodian of voting machines for

good and sufficient reason, a statement of which shall be made in writing and signed by him and attested by the signatures of the election managers, or except upon the written order of the local authorities for good and sufficient reason which shall be stated in the order; the Mayor and council, Mayor and Aldermen, or other governing authorities of the municipality or city, shall appoint not more than one custodian for every twenty machines, but in no case to be less than one custodian to each municipality or city, holding the election, and to receive such compensation as such local authorities prescribe. (Ga. L. 1947, p. 791, § 10.)

Sec. 1-712. Same—Storage.

The local authorities shall designate a person or persons who shall have the custody of the voting machines of the municipality or city, and the keys therefor, when the machines are not in use at an election, and shall provide for his or their compensation and for the safe storage and care of the machines and keys. As soon as possible after the completion of the count of the votes cast at any election, the local authorities shall have the machine or machines removed to the place of storage provided for in this section. (Ga. L. 1947, p. 791, § 22.)

Sec. 1-713. Precincts and districts.

For any election in any municipality or city in this state having a population of not less than 95,000 inhabitants and not more than 200,000 inhabitants according to the United States Census of 1940 or any future census in which voting machines are to be used, the election precincts or districts in which such machines are to be used may be created by the officers charged by law with the duty of redividing or consolidating election districts so as to contain as near as may be the number of voters as hereinafter provided. The redivision, redistricting or consolidating whereby such election precincts or districts may be created shall be made under the following provisions:

(a) The Mayor and council, Mayor and Aldermen, or other governing authorities of the respective municipalities or cities shall, of their own motion or upon petition, redivide wards or other geographical subdivisions of cities and/or of incorporated towns or villages in which voting machines are adopted, into election districts of compact and contiguous territory, or shall consolidate election precincts, districts or wards therein into new districts, each

having one thousand registered voters as nearly as may be, except that districts having less than one thousand registered voters may be created whenever the Mayor and council, Mayor and Aldermen, or other governing authorities shall be of the opinion that the convenience of the voters and the public interests will be promoted thereby.

(b) Petitions may be presented to the Mayor and council, Mayor and Aldermen, or other governing authorities to redivide wards or other geographical subdivisions of cities and/or of incorporated towns or villages into election districts, or to consolidate election districts, by ten or more qualified voters of the districts involved. Such petitions may specify the boundaries desired by the petitioners.

(c) Upon the redivision of any ward or other geographical subdivision of a city and/or incorporated town or village into election districts, and upon the consolidation of electon districts under the provisions of this section, the Mayor and council, Mayor and Aldermen, or other governing authorities shall appoint the necessary election officers and fix the places for holding the first election thereafter in said new districts or precincts. (Ga. L. 1947, p. 791, § 8.)

Sec. 1-714. Election officers.

The election officers or board in such district or precinct in which a voting machine or voting machines are used shall consist of three superintendents or managers who shall be appointed by the governing body of the city or municipality so using such machine or machines; provided, that if the time set by law for the opening of the polls on the day of election there is no such official present to hold the election, any three freeholders of the election precinct or district may superintend the election and hold and conduct the same, and shall administer the oath required to each other, which shall be of the same effect as if taken by a qualified officer; provided, that nothing herein contained shall be construed to hinder or prevent any one or more of said appointees of the governing body of the city or municipality so using such machine or machines from acting as manager or managers, should they be present at the polling place, supplying the number of managers required as herein provided from any of the freeholders as aforesaid. Persons who can not read and write shall not be competent to serve as managers of election. The election managers herein provided for, or freeholders acting in their stead as above provided for, shall

take the oath prescribed by law for the election of members of the General Assembly. Where more than one machine is used in any election district or precinct there shall be one additional manager for each additional machine more than one. The managers of election shall, upon notice from the clerk of council, or other officer of the city or municipality holding the election charged with the duty, by law, of making all necessary preparations for the holding of all elections authorized, attend any meeting or meetings called for their instruction and receive such instructions as shall be necessary for the proper conduct of the elections with the machine or machines. No manager of election shall serve in any election at which a voting machine or machines are used, unless he shall have received such instructions and is fully qualified to perform his duties in connection with the machine; provided, however, that this shall not prevent the appointment or serving of a manager of election, to fill a vacancy arising on the day of election. Said managers shall be judges of the qualifications of voters, and shall serve for such reasonable compensation as shall be prescribed by the governing body appointing them. All clerks may be dispensed with by the managers of elections in voting machine districts and precincts.

The managers above provided for shall have exclusive charge of all details in the arrangement and conduct of said elections, and shall allow not more than two representatives of each contending party or fraction to be present when they count the ballots and certify the result of the election, and each manager before undertaking and entering upon the performance of his duties under this Act, shall take an oath before the clerk of the superior court of Chatham County, to be filed in said clerk's office, that he will truly perform the duties of his position.

Any election manager who shall use or attempt to use his position for the purpose of aiding any candidate for office, or who in any manner attempts to secure a partisan advantage for any such candidate, or who shall allow any person to vote who is not a qualified elector under the provisions of this Act, shall be held and deemed guilty of a misdemeanor under the laws of the State of Georgia, and shall be punished as provided in section 1065 of the Penal Code of the State of Georgia. (Ga. L. 1914, p. 1162, § 18; Ga. L. 1947, p. 791, § 16; Ga. L. 1955, p. 2062, § 3.)

Sec. 1-715. Ballot-labels generally.

In any election district or precinct of every municipality or city

in which voting machines may have been adopted the portion of cardboad, paper or other material placed on the front of the machine containing the names of the candidates or a statement of the proposed constitutional amendment or other question or proposition to be voted on shall be known as a ballot-label. The ballot-label shall be supplied by the official or officials charged by law with providing materials for the holding of an election or elections, and shall be printed in black ink on clear white material of such size as will fit the machine and in plain, clear type, as large as the space will reasonably permit. The party name or other designation shall be prefixed to the list of candidates of such party. The order of the lists of candidates of the several parties shall be arranged as is now provided by law, except that the lists may be arranged horizontally or vertically, with the names of candidates for an office arranged transversely under or opposite the title of the office. The names of all candidates nominated or seeking nomination by a political party shall appear in adjacent rows or columns containing generally the names of candidates nominated or seeking nomination by such party. The form and arrangement of ballot-labels to be used at any election shall be determined by the clerk of council, or other officer of the city or municipality holding the election charged with the duty, by law, of making all necessary preparations for the holding of all elections authorized, as nearly as may be in accordance with the provisions of the laws prescribing the form and arrangement of ballots at such election, and sufficient copies of same shall be furnished by him to the election managers of the respective voting or polling places, as may be necessary, at the cost of the municipality or city. (Ga. L. 1947, p. 791, § 14.)

Sec. 1-716. Paper ballots.

If a method of election for any candidate or offices or propositions is prescribed by law, in which the use of voting machines is not possible or practicable, or in case at any election, the number of candidates nominated or seeking nomination for any office renders the use of voting machines for such office at such election impracticable, at one or more precincts or districts, or if for any other reason, at any election the use of voting machines wholly or in part is not possible or practicable, the officer or officers now charged by law with furnishing such election districts or precincts with paper ballots may arrange to have the voting for such or all candidates or offices or on such or all constitutional amendments, questions or propositions conducted by paper ballots at such precincts or districts. In such cases, ballots shall be printed for such or all candidates or offices, or for such or all constitutional amendments, questions or propositions, and the election conducted by the election officers as herein provided for, and the ballots counted and return thereof made in the manner required by law for such candidates or offices or for such or all constitutional amendments, questions or propositions, in so far as paper ballots are used. (Ga. L. 1947, p. 791, § 20.)

Sec. 1-717. Election day procedure generally.

The requisite number of ballot-labels for use in the voting machine or voting machines shall be provided for each polling place for each election district or precinct by the officer or officers now charged by law with furnishing such election districts or precincts with ballots. In such manner shall be furnished also all other necessary material for the use of voting machines. In the case of all elections, the said officer or officers who are charged hereby with the duty of preparing the machines for conducting an election shall notify, as far in advance thereof as practicable, the respective chairmen of the county executive committees, or other body or bodies having similar duties thereto, of the political parties, of the intended preparation of such machines for voting. The same officer or officers first referred to in this section shall, before the day of election, cause the proper ballot-labels to be put upon each machine corresponding with the sample ballot-labels herein provided for, and the machines in every way to be put in order, set and adjusted, ready for use in voting when delivered at the polling place. And the same officer or officers shall cause the machine or machines so labeled in order set and adjusted, to be delivered at the voting or polling place, together with all necessary furniture and appliances that go with the same, in the room where the election is to be held in the precinct, not later than 6 o'clock P. M. of the day preceding the election. On the morning of the election the election managers shall meet in the said room at least one-half hour before the time for opening the polls. They shall see that the sample ballots and instruction cards are posted properly, and everything in readiness for the voting at the hour of opening the polls. The managers shall compare ballot-labels on the machine with the sample ballots, see that they are correct, examine and see that all the counters except protective counters are set at naught or zero (0) and that the machine or machines are otherwise in perfect order. If upon such inspection it be found that the voting machine has not been prop-

erly prepared for the election, or is not in perfect order, the said officer or officers charged in this Act with the duty of the preparation of such machine shall be notified immediately; after provision shall have been made for the use of a machine or machines as will enable the managers of the election to properly conduct the same, or after provision shall have been made for the use of written or printed ballot, the election shall proceed. The machine or machines so used in such election shall not thereafter be operated except by electors in voting. (Ga. L. 1947, p. 791, § 16.)

Sec. 1-718. Lighting and diagrams at polling places.

The officer or officers charged with the duty of providing ballots and ballot-labels for any voting or polling place shall provide therefor the following:

(a) A lantern, or a proper substitute for same, which shall give sufficient light to enable voters, while in the voting machine booth, to read the ballot-labels, and suitable for the use of election officers in examining the counters. The lantern, or proper substitute therefor, shall be prepared and in good order for use before the opening of the polls.

(b) The diagrams or sample ballots, of suitable size, representing such part of the face of such voting machine as will be in use in the election, and accompanied by illustrated directions for voting on the machine. Such diagram shall be posted prominently outside the enclosed space within the voting or polling place.

(c) Prior to any election, the officer or officers aforementioned may cause copies of any diagram or diagrams, required to be furnished with voting machines at polling places, to be made, either in full size or in reduced size, and to be posted, published, advertised or distributed among the electors in such manner as they may deem desirable. (Ga. L. 1947, p. 791, § 15.)

Sec. 1-719. Assistance to voters.

Any voter who may state under oath that, by reason of his inability to read the English language, or by reason of blindness or other physical infirmity, he is unable to use the voting machine, may, upon request, have assistance in voting in the same manner as provided may be done in section 34-1905, as amended, of the Code of Georgia of 1933. (Ga. L. 1947, p. 791, § 12.)

Sec. 1-720. Voting by mail.

In any election district or precinct in which voting machines may have been adopted any voter, but only when required by his regular business and habitual duties to be absent from the city, ward, district, or precinct in which he is registered, may vote by complying with the provisions of the law of this state as contained in chapter 34-33, as amended, of the Code of Georgia of 1933. (Ga. L. 1947, p. 791, § 13.)

Sec. 1-721. Write-in ballots.

Ballots voted for any person whose name does not appear on the ballot-label on the machine as a candidate for office are herein referred to as "write-in" ballots. Such "write-in" ballot shall be deposited, written or affixed in or upon the receptacle or device provided for that purpose. (Ga. L. 1947, p. 791, § 17.)

Sec. 1-722. Speaking by and to electors.

No elector shall speak to or consent to be spoken to by any other person than the election managers while at the polling place or within fifteen feet thereof, and then only in the pursuance of official duty. No election manager or clerk shall be permitted to speak to an elector for the purpose of influencing his vote in any manner whatever. Anyone violating the provisions of this section shall be held guilty of a misdemeanor under the laws of the State of Georgia and shall be punished as provided in section 1065 of the Penal Code of the State of Georgia. (Ga. L. 1914, p. 1162, § 21.)

Sec. 1-723. Procedure after polls close.

As soon as the polls are closed, the voting machine or machines shall be locked against voting and the registering compartment opened in the presence of all the members of the election board of managers or superintendents or other persons who may be lawfully within the room, giving full view of the registering counters and one of said election managers announcing in distinct tones the votes cast for each candidate and for and against the various constitutional amendments, questions or other propositions.

The election managers shall then ascertain the number of votes which the candidates have received both on the machine and by the voting of "write-in" ballots, if any, and one of the managers of election shall publicly announce in a distinct voice the total vote

for each candidate thus ascertained in the order of the office as their titles are arranged on the ballot-label. He shall then announce in the same manner the vote on each constitutional amendment, proposition or other question. Before leaving the room and before closing and locking the registering compartment, the election managers or superintendents shall make and sign a written certificate showing the results of such election. The transmission and delivery of said certificates by the managers of such election districts and all other papers of the election for the purpose of consolidation, also the consolidation, the certifying and returns thereof, shall all be in compliance with the laws in force pertaining to elections. When "write-in" ballots have been voted they shall be returned; preserved and finally destroyed as is now provided by law in the case of other election ballots. The written certificate so made, after having been properly certified and signed, shall be distinctly and clearly read in the hearing of all persons present, and ample opportunity shall be given to compare the results so certified with the registering counters of the machine or machines. After such comparison and correction, if any is made, the election managers shall then close the registering compartment and lock the same. Thereafter the machine or machines shall remain locked and sealed for a period of at least thirty days; provided, however, that should the use of same be required at any election to be held within said thirty day period, the machine or machines may be opened at least ten days prior to the date of such subsequent election; provided, further, that same may be opened at any time upon order of a court of competent jurisdiction.

When the machine is locked and sealed at the close of any election in the manner required by this Act, the managers of election shall promptly deliver to the clerk of council, or official whose duties with relation to elections correspond thereto, of the city or municipality having held the election, or his duly authorized representatives, the keys of the machine or machines enclosed in a sealed envelope. (Ga. L. 1947, p. 791, §§ 18, 19, 21.)

Sec. 1-724. City to pay county commissioners for work in connection with elections.

The Mayor and Aldermen of the City of Savannah shall pay to the commissioners of Chatham County, Georgia, the sum of six hundred dollars per annum, in twelve equal installments, [the] same to be paid as compensation for work in connection with registration of voters [and] the proposed voters' lists for municipal primaries and elections. (Ga. L. 1929, p. 1281, § 7.)

Sec. 1-725. Offenses generally.

Any election officer, manager, or other person who shall violate any of the provisions of this Act, or who shall tamper with, or injure, or attempt to injure, any voting machine to be used in or being used in any election, or who shall prevent, or attempt to prevent, the correct operation of such machine, or any unauthorized person who shall make or have in his possession a key or keys to a voting machine to be used or being used in an election, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to undergo imprisonment for not more than one year, or to pay a fine not exceeding one thousand dollars, or both, in the discretion of the court. (Ga. L. 1947, p. 791, § 24.)

Sec. 1-726. Effect of article on other acts.

Except as modified by the provisions of this article, the general laws regulating general, regular, special, and other elections, where not inconsistent with this article, shall apply to all such elections, held in municipalities or cities adopting voting machines under the provisions of this article. Any provisions of law which conflict with the use of such machine or machines as herein set forth, shall not apply to the election district or districts, precinct or precincts, in which an election is to be conducted by the use of such machine or machines. (Ga. L. 1947, p. 791, § 25.)

ARTICLE II. GENERAL ELECTIONS GENERALLY.

Sec. 1-727. When held.

The elections for Mayor and Aldermen of the City of Savannah shall be held on the first Tuesday in August, of each second year, beginning with the year 1956, that is to say, the next municipal election after the passage of this Act shall be held on the first Tuesday in August, 1956, and the next municipal election thereafter shall be held on the first Tuesday in August, 1958, and so on each succeeding second year thereafter. (Ga. L. 1956, p. 2032, § 1.)

Sec. 1-728. Qualifications of candidates.

No person shall be entitled to become a candidate in the next succeeding regular municipal election in said city for Mayor and Aldermen or recorder who has not been nominated by a political party of the description aforesaid at a primary election held under the terms of this chapter, unless any person desiring to enter in said next succeeding municipal election as an independent candidate for Mayor or Alderman or recorder shall, within five days before said general election in said city, file with the clerk of council of said city a petition endorsing his candidacy, signed by not less than one-third of the persons registered and qualified to vote in the next succeeding regular municipal election. No votes shall be counted for any person who has not been so nominated by said party or for any independent candidate who has not filed the petition aforesaid. And if it should appear at any time that the petition of any independent candidate does not contain the names of at least one-third of the registered voters fully qualified by law, said candidate shall be ineligible and the election of any such candidate shall be null and void. (Ga. L. 1914, p. 1172, § 6.)

Sec. 1-729. Candidates to file notice and declaration.

All candidates for Mayor and Aldermen and for recorder who may have been nominated by any political party at the primary election provided for by law for the City of Savannah, shall file with the clerk of council of said city, five days before the election provided for in this Act, notice of their nomination by their respective political parties and, in case there should be any independent candidates or candidate for such offices such declaration of an intention to become a candidate for Mayor or Aldermen or recorder, must likewise be filed with said clerk of council five days before the election provided for in this Act, which declaration must be accompanied by the petition described in this Act regulating primary elections for Mayor and Aldermen and recorder in the City of Savannah. (Ga. L. 1914, p. 1162, § 23.)

Sec. 1-730. Conduct generally.

Each voter shall vote in the box assigned to the district, or division of the district, in which he resides and not elsewhere, and when the right of any person to vote is challenged, one of said managers shall swear him, touching his right to vote, and pro-

pound to him the questions answered by him at his registration, and if his answers do not satisfactorily identify him as the person whose name he offers to vote, he shall not be allowed to vote. Upon receiving any vote, the name of the voter shall be immediately checked off the list furnished the managers as hereinbefore provided for. (Ga. L. 1914, p. 1162, § 14.)

Sec. 1-731. Number of ballot boxes.

The elections for Mayor and Aldermen shall be held at the time and place and in the manner heretofore provided by law, but there shall be four [ballot] boxes each for the first and fourth districts and three [ballot] boxes each for the second and third districts. (Ga. L. 1955, p. 2062, § 1.)

Sec. 1-732. Hours of voting.

The hours of voting at said elections shall be from 7 o'clock in the morning (A. M.) to 6 o'clock at night (P. M.) city time, the polls to be kept open eleven full hours. (Ga. L. 1955, p. 2062, § 3.)

Sec. 1-733. Who may vote.[3]

The qualification of voters at elections for Mayor and Aldermen and recorder of the City of Savannah shall be those required by this Act and the constitution of the State of Georgia for elections in state elections, except that the time of residence of voters within the corporate limits of the City of Savannah shall be six months immediately preceding such election. (Ga. L. 1914, p. 1162, § 2.)

Sec. 1-734. Registration of voters generally.

All electors who are residents of the City of Savannah and are now entitled to vote in state elections in Chatham County, and all electors qualifying under this Act, shall be permanently registered and entitled to vote in said municipal elections; provided, that they shall be disqualified from voting for removal of residence from the City of Savannah and for any other reasons set forth in the permanent registration act of the State of Georgia, approved August 19th, 1913 (Acts 1913, pages 115-117), and any amendments which may be made thereto. (Ga. L. 1914, p. 1162, § 3.)

3. See § 1-743.

Sec. 1-735. When registration book to be closed.

The tax collector of Chatham County or the office charged with his duties shall close the registration book for such municipal elections sixty days before the date of the next succeeding election. (Ga. L. 1955, p. 2062, § 2.)

Sec. 1-736. List of voters.

The list of qualified registered voters of Chatham County residing within the corporate limits of the City of Savannah prepared by the duly appointed registrars of Chatham County, under the provisions of the general registration law of the State of Georgia, shall be used as the list of registered and qualified voters entitled to vote in said elections for Mayor and Aldermen and recorder.

The said registrars of Chatham County shall prepare the said list of qualified registered voters of Chatham County, residing within the corporate limits of the City of Savannah, who have registered and paid all taxes due by them to the State of Georgia and Chatham County, six months before said municipal elections, as required by the provisions of the general registration law of the State of Georgia. The registrars, in preparing said list, will divide the voters in the first and second districts into three lists each and the third and fourth districts into four lists, each alphabetically arranged, upon each of which lists shall appear, as far as practicable, one-third or one-fourth, respectively, of the names of the voters of Chatham County residing within each of the said militia districts, it being the duty of said registrars, as far as possible, to equally divide said names on said lists without dividing the names commencing with the particular letter of the alphabet between two lists.

The morning of the election for Mayor and Aldermen and recorder of said city, and before the boxes for the receiving of votes are opened, said registrars of Chatham County shall furnish the managers of each and every box a list made up as hereinbefore prescribed, of the voters in the respective militia districts, or portions thereof; the persons whose names appear upon said lists shall be entitled to vote at such election, they being in all other respects qualified.

For rendering of services hereinbefore provided for, the registrars of Chatham County shall receive the sum of four cents for each name upon the lists so furnished by them, to be paid out of the public treasury of the City of Savannah. (Ga. L. 1914, p. 1162, §§ 4, 6, 7, 8.)

Sec. 1-737. Duties of clerk of council.

It shall be the duty of the clerk of council of the City of Savannah to locate the position of the ballot boxes [voting machines] for the respective militia districts and the divisions thereof [voting places] at the Courthouse of Chatham County three days before the election, to prepare and furnish the form of oath to be taken by the election managers and clerks, and the certificate of returns to be signed by said managers, consolidated returns and all other forms and papers to be used in said elections; except such as are herein otherwise provided for; furnish stationery to the clerks [managers], ballot boxes to the managers and make all necessary arrangements for the election; and all expenses incident to the preparation of said papers, obtaining said stationery and ballot boxes and making said arrangements shall be borne by the City of Savannah and paid from its treasury. (Ga. L. 1914, p. 1162, § 9.)

Sec. 1-738. Illegal voting.

Any person who, without being legally and properly entitled to do so, votes or attempts to vote at any election for Mayor and Aldermen or recorder for the City of Savannah, or who in any way interferes with the orderly and peaceful conduct and management of the same, shall be held and deemed guilty of a misdemeanor, under the laws of the State of Georgia, and punished as provided in section 1065 of the Penal Code of the State of Georgia. (Ga. L. 1914, p. 1162, § 19.)

Sec. 1-739. Meeting, term, oath, etc., of successful candidates.

(a) The Mayor and Aldermen elected on the first Tuesday in August, 1956, shall meet on January 21, 1957, for organization, and each Alderman and the Mayor shall take the oath of office.

(b) The term of office of the Mayor and Aldermen elected on the first Tuesday in August, 1956, shall expire at noon on the first Monday in October, 1958.

(c) The Mayor and Aldermen elected on the first Tuesday in August, 1958, and on the same day of each succeeding second year thereafter, shall meet at noon on the first Monday in October following their election, for organization, and each Alderman and the Mayor shall take the oath of office; the purpose of this enactment being to make the term of office of the Mayor and Aldermen

of the City of Savannah, expire in October rather than in January, commencing after the expiration of the term of office of the present incumbents.

(d) The oath of office shall be the oath prescribed for persons who are on the payroll of any city in the state.

(e) The recorder elected to fill the term following the term of office of the present incumbent shall enter into office and take the oath prescribed for other officers of the City of Savannah, on the second Monday following the second Tuesday in January, 1959. (Ga. L. 1956, p. 2032, § 2.)

Sec. 1-740. Police to be under control of Mayor on election day; police not to interfere with voters.

Upon election day, the police force of the City of Savannah shall be under the direction and control of the Mayor of the City of Savannah, for the purpose of preserving order at and around the Courthouse of said County; there shall be no interference on the part of said force or any member thereof with any voter who is in good faith attempting to deposit his ballot, and who is not violating any provisions of this Act, any law of the State of Georgia, or municipal ordinance of the City of Savannah, and any member or officer of said force so interfering shall be held and deemed guilty of a misdemeanor under the laws of the State of Georgia, and shall be punished as provided in section 1065 of the Penal Code of the State of Georgia. (Ga. L. 1914, p. 1162, § 17.)

ARTICLE III. PRIMARIES GENERALLY.

Sec. 1-741. When held.

Between May 1 and July 1, in each alternate year, beginning in 1956, preceding the regular election for Mayor and Aldermen, and preceding the regular election for recorder of the City of Savannah, primary elections shall be held in the City of Savannah by all political parties which have a state or national organization and which desire to have candidates for Mayor, Aldermen and recorder in the next ensuing general municipal election for Mayor and Aldermen or for recorder.

The date of such primary election shall be set by the city executive committee of each such political party consistent with the terms of this section. (Ga. L. 1956, p. 2028, § 1.)

Sec. 1-742. Conduct generally.

The provisions of sections 17, 18, 19, 20 and 21 of the Act of the General Assembly of Georgia of 1914, entitled "An Act to provide for the registration of voters to vote at the municipal elections in the City of Savannah and to fix, regulate and determine the time, place and manner in which such elections shall be held, and prescribe qualifications of voters at all such elections, and to prescribe suitable penalties for all violations thereof, and for other purposes," shall apply to and be of force in all elections held under the terms of this Act and said sections are hereby incorporated and made a part of this Act. (Ga. L. 1914, p. 1172, § 8.)

Sec. 1-743. Who may vote; list of voters.

At such primary elections, every person qualified to vote in the next succeeding regular municipal election and who is further qualified under the rules of the state executive committee of his respective party, shall be entitled to vote. The list of qualified registered voters of Chatham County residing within the corporate limits of the City of Savannah prepared by the duly appointed registrars of Chatham County under the provisions of the general registration law of this state shall be used as the list of registered and qualified voters entitled to vote in such primary elections subject to the restrictions of the first paragraph [sentence] of this section, and said list shall be certified and furnished by the said registrars of Chatham County to the managers of such primary elections at the time and in the manner required by law for the furnishing of lists of voters at the regular general election for Mayor and Aldermen of the City of Savannah. (Ga. L. 1914, p. 1172, § 3.)

Sec. 1-744. Number of boxes, hours of voting, etc.

At all such primary elections there shall be the same number of boxes, the same hours of voting and the same place of voting as provided by law for the regular election for Mayor and Aldermen of the City of Savannah in an act of the General Assembly of 1914, entitled "An Act to provide for the registration of voters to vote at the municipal elections in the City of Savannah, and to fix, regulate and determine the time, place and manner in which such elections shall be held, and prescribe qualifications of voters at such elections and to prescribe suitable penalties for all violations thereof

and for other purposes." The chairman of each political party shall, in such primary elections, perform the duties prescribed for the clerk of council in said last-mentioned Act. (Ga. L. 1914, p. 1172, § 4.)

Sec. 1-745. Control of first election; executive committees.

The first election provided for under this Act shall be conducted and held under the jurisdiction and authority of the judge of the superior court of Chatham County, the judge of the city court of Savannah and the ordinary of Chatham County, who shall arrange and provide for all the rules and regulations and details of the primary not herein provided for and not inconsistent with anything provided for in this Act. And at said first election and at each election thereafter, held under this Act, each political party of the description aforesaid which may have candidates for Mayor and Aldermen or recorder in such election shall submit for election an executive committee to be known as the city executive committee, such committee to be composed of twenty-four citizens of the City of Savannah and qualified voters. And at all future elections held under this Act, the city executive committee of each political party of the description aforesaid shall have the authority to arrange and provide for all rules and regulations and details of the primary of their respective parties not herein provided for and not inconsistent with anything provided for in this Act. (Ga. L. 1914, p. 1172, § 5.)

Sec. 1-746. Nominees.

The candidate for Mayor receiving the highest number of votes in his party shall be declared the nominee of his party, and the twelve [now six] Aldermen receiving the highest number of votes in their party shall be declared the nominees of their party, and the candidate for recorder receiving the highest number of votes of his party shall be declared the nominee of his party. (Ga. L. 1914, p. 1172, § 7.)

Chapter 1-8. Ellis Square.

§ 1-801. Use for public parking—Generally.
§ 1-802. Same—Revenue certificates.
§ 1-803. Same—Right to lease and charge for facilities.
§ 1-804. Borrowing funds for erecting, etc., improvements.
§ 1-805. Conveyance to district authority.

Sec. 1-801. Use for public parking—Generally.

The Mayor and Aldermen of the City of Savannah, in addition to other rights which it now possesses with regard to the property known as Ellis Square, as defined in the Acts of the General Assembly of Georgia of 1935, page 1172, which contains the present city market, have the right to raze, repair or alter said improvements for use in whole or in part as a public parking building and to maintain and operate the same as such. (Ga. L. 1952, p. 2739, § 1.)

Sec. 1-802. Same—Revenue certificates.

The Mayor and Aldermen of the City of Savannah shall have the right, by complying with the provisions of the Revenue Certificate Law of 1937, as amended, to issue revenue certificates for the purpose of acquiring sites, razing, altering or repairing buildings and improvements thereon for the purpose of using the same as public parking areas and public parking buildings, including specifically said property known as Ellis Square; said revenue certificates to provide that the principal and interest thereon shall be paid from the proceeds of revenues derived from operation of such public parking areas and public parking buildings. (Ga. L. 1952, p. 2739, § 2.)

Sec. 1-803. Same—Right to lease and charge for facilities.

The Mayor and Aldermen of the City of Savannah shall have the right to rent or lease said public parking areas and public parking buildings or parts thereof, for such term of years as it may deem proper, to such person or corporations as it may deem proper and upon such conditions as it may approve; and the said Mayor and Aldermen of the City of Savannah shall further have the right to collect charges from the public for parking, storing or servicing motor vehicles or other vehicles in said public parking areas and public parking buildings and may make such charges as it may

deem proper and may change the schedule of such charges from time to time. (Ga. L. 1952, p. 2739, § 3.)

Sec. 1-804. Borrowing funds for erecting, etc., improvements.

The Mayor and Aldermen of the City of Savannah shall have the right to borrow funds from any source for the purpose of erecting, altering and repairing improvements on the property known as Ellis Square and shall have the right to secure the payment of said loans by executing to the lender or lenders, deeds to secure debt, mortgages, note or other instruments necessary for property in order to properly secure the repayment of said loans. (Ga. L. 1952, p. 2739, § 4.)

Sec. 1-805. Conveyance to district authority.

The Mayor and Aldermen of the City of Savannah shall have, in addition to other rights which it now possesses with regard to the property known as Ellis Square, as defined in the Acts of the General Assembly of Georgia of 1935, page 1172, which contains the present city market, the right to convey said property to the Savannah Port Authority for the Harbor and Port of Savannah, or to a successor, corporation or agency, to be known as "Savannah District Authority", or by whatever other name said successor, corporation or agency may be known. If said property is so conveyed by the Mayor and Aldermen of the City of Savannah, said authority or its said successor, shall have the right to dismantle, raze, alter or repair said improvements on said property, to sell, use or otherwise dispose of the materials accumulating from the dismantling and razing of said improvements and shall have the right to use, lease or rent for any purpose for such term of years as it may deem proper, said land, or said land and any improvements thereon. Any such lease entered into by said authority or its said successor shall be approved by the Mayor and Aldermen of the City of Savannah before it shall become binding upon said authority or its said successor.

The Mayor and Aldermen of the City of Savannah, in conveying said property to said authority or its successor, and in approving any lease which may be entered into with respect to the same, shall have the right to authorize said authority or its said successor to administer said property, to collect the rents and profits thereof, to make any repairs thereon, to provide proper insurance thereon, and gen-

erally to administer the same, paying over such portions of such rents and profits to the Mayor and Aldermen of the City of Savannah, as it may require. (Ga. L. 1951, p. 2537, §§ 1-3.)

Chapter 1-9. Ferries.

§ 1-901. Right of city to establish and operate.
§ 1-902. City may acquire existing franchise.
§ 1-903. City may act alone or in conjunction with others.
§ 1-904. Transportation charges; rules; appropriations.

Sec. 1-901. Right of city to establish and operate.

The Mayor and Aldermen of the City of Savannah, a municipal corporation of the State of Georgia, is hereby authorized and empowered to exercise ferry rights and to establish, own and operate a ferry across the Savannah River, including what is known as Back River, for the carriage of freight and passengers, from any point or points within the corporate limits of the City of Savannah to any point or points on Hutchinson Island or on the South Carolina shore of the Savannah River, either or both, as the said corporation may decide. (Ga. L. 1911, p. 1533, § 1.)

Sec. 1-902. City may acquire existing franchise.

The said municipal corporation, in the establishment of said ferry, is hereby authorized to purchase, receive and hold any existing ferry franchise now held by any other person or corporation. (Ga. L. 1911, p. 1533, § 2.)

Sec. 1-903. City may act alone or in conjunction with others.

The said municipal corporation is hereby authorized to exercise the ferry rights hereby conferred either alone or in conjunction with any other person or corporation or to lease and operate any existing ferry franchise either alone or in conjunction with any other person or corporation. (Ga. L. 1911, p. 1533, § 3.)

Sec. 1-904. Transportation charges; rules; appropriations.

The said municipal corporation is hereby authorized to pass such

ordinances in regard to charges for the transportation of freight and passengers and adopt such rules for the general regulation of the ferry as it may deem reasonable and advisable, and to appropriate from its funds such amounts from time to time as are necessary for carrying out the objects of this chapter. (Ga. L. 1911, p. 1533, § 4.)

Chapter 1-10. Garbage and Sewerage Charges.[4]

§ 1-1001. Authority to collect.
§ 1-1002. By whom payable; charge for portion of month.
§ 1-1003. Billing.
§ 1-1004. When due and payable.
§ 1-1005. Failure to pay.
§ 1-1006. Deposit and use of revenue.
§ 1-1007. Treasurer to keep account of, safeguard, etc., funds.
§ 1-1008. Checks on funds.
§ 1-1009. Investment of funds.
§ 1-1010. Charges are independent of other taxes.

Sec. 1-1001. Authority to collect.

The Mayor and Aldermen of the City of Savannah is authorized and empowered to collect, within the corporate limits of the City of Savannah, a charge for furnishing garbage collection services and a charge for furnishing sanitary sewerage disposal services. (Ga. L. 1951, p. 2539, §§ 1, 2.)

Sec. 1-1002. By whom payable; charge for portion of month.

The charges [referred to in this chapter] shall be collected from the occupants or users of every dwelling unit within the corporate limits of the City of Savannah to whom either garbage collection service and/or sanitary sewerage service is furnished by the Mayor and Aldermen of the City of Savannah. Said charges shall be paid by the users and occupants of every dwelling unit furnished with such services and shall be a debt lawfully due to the Mayor and Aldermen of the City of Savannah.

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4. For special legislative authority as to sewers generally, see ch. 1-21. For requirement that city collect garbage, see § 1-132. For ordinance provisions relative to garbage and trash generally, see Tit. 17. For provisions relative to sewers and sewage disposal, see Tit. 37.

The users and occupants of any dwelling unit shall not be subject to either the garbage collection charge or the sanitary sewerage charge unless such occupant or user is actually receiving such services; and if such services are received by the users and occupants of dwelling units, said charges, if made by the Mayor and Aldermen of the City of Savannah, shall become immediately due upon the furnishing of said services, notwithstanding the time of the year or the day of the month on which such service began, it being the intention of this chapter that, if the services be furnished for a portion of a month, the charge for the same amount to one-half of the charge for an entire month.

All users or occupants of dwelling units who empty their garbage into the sewerage system of the city shall be liable for the garbage collection charge to the same extent as occupants or users of dwelling units whose garbage is collected at regular intervals. (Ga. L. 1951, p. 2539, §§ 3, 11, 12.)

Sec. 1-1003. Billing.

The Mayor and Aldermen of the City of Savannah are authorized to bill the users or occupants of dwelling units for garbage collection charges and sanitary sewerage charges in the same manner and at the same time that water bills are billed to users of water. (Ga. L. 1951, p. 2539, § 4.)

Sec. 1-1004. When due and payable.

Said [garbage collection and sewerage disposal] charges shall be due and payable at the same time and in the same manner as charges for water service are paid to the Mayor and Aldermen of the City of Savannah by the users and occupants of dwelling units. (Ga. L. 1951, p. 2539, § 10.)

Sec. 1-1005. Failure to pay.

The Mayor and Aldermen of the City of Savannah are authorized and empowered to cut off the water supply to any dwelling unit when charges for garbage collection service and/or sanitary sewerage service shall have remained unpaid for a period of thirty days after becoming due,[5] and shall restore the same upon the payment of such unpaid charges. (Ga. L. 1951, p. 2539, § 9.)

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5. For ordinance provisions relative to shutting off water service for failure to pay the charges therefor, see § 37-225.

Sec. 1-1006. Deposit and use of revenue.

All revenue derived from said charges herein authorized shall be, by the Mayor and Aldermen of the City of Savannah, through the city treasurer, deposited as such funds are received in a separate banking account, which shall be kept separate and apart from other funds of the Mayor and Aldermen of the City of Savannah, and the same shall be used and expended only for the purpose of paying off and retiring the principal and interest of any outstanding bonded indebtedness of the Mayor and Aldermen of the City of Savannah, including payments to be made by the Mayor and Aldermen of the City of Savannah into any sinking fund for the purpose of paying off and retiring any such bonded indebtedness. (Ga. L. 1951, p. 2539, § 5.)

Sec. 1-1007. Treasurer to keep account of, safeguard, etc., funds.

It is hereby made the duty of the city treasurer to keep accurate account of all funds received by him in accordance with the provisions of this chapter, and it shall be his responsibility to safeguard this fund and to deposit the same in a bank account, separate from other city funds. It shall be his duty, with the assistance of the comptroller of the City of Savannah, to see to it that no part of said fund so received and deposited shall be used for any purpose other than as herein provided. (Ga. L. 1951, p. 2539, § 6.)

Sec. 1-1008. Checks on funds.

The city treasurer and the city comptroller shall both sign all checks drawn on this fund for the purposes aforesaid, or said checks may be signed by the city treasurer and the assistant city comptroller or by the assistant city treasurer and the city comptroller, and none of said persons shall sign any voucher or check withdrawing any money from the funds collected and deposited in accordance with this chapter until a written opinion is furnished to said persons by the legal department of the City of Savannah stating that the purpose of said withdrawal is for a purpose authorized by the provisions of this chapter, and the same shall only then be expended on the recommendation of the finance committee of the Mayor and Aldermen of the City of Savannah, with the advice and approval of the Mayor and Aldermen of the City of Savannah. (Ga. L. 1951, p. 2539, § 7.)

Sec. 1-1009. Investment of funds.

The city treasurer, under direction of the finance committee of the Mayor and Aldermen of the City of Savannah, is authorized to invest any funds received by him in accordance with the provisions of his chapter in any bonds guaranteed as to principal and interest by the government of the United State of America, or in general obligation bonds of the Mayor and Aldermen of the City of Savannah. All interest derived from any such investments shall become a part of the fund, the expenditure of which shall be governed by the provisions of this chapter. (Ga. L. 1951, p. 2539, § 8.)

Sec. 1-1010. Charges are independent of other taxes.

The charges herein authorized shall be independent of and in addition to any lawful taxes which are now, or may hereafter be levied by the Mayor and Aldermen of the City of Savannah, against any person, firm or corporation or against any real or personal property owned or possessed by any person, firm or corporation. (Ga. L. 1951, p. 2539, § 13.)

Chapter 1-11. Motor Vehicles and Traffic.[6]

§ 1-1101. Traffic expert.
§ 1-1102. Inspection of vehicles and issuance of drivers' permits.

Sec. 1-1101. Traffic expert.

The said Mayor and Aldermen shall have power and authority to appoint a traffic expert for the City of Savannah, who shall be an expert in the matter of all freight and passenger rates affecting the City of Savannah, and whose duties shall be defined by the said Mayor and Aldermen with a view of avoiding any freight or passenger rate discriminations against the said city. The Mayor and Aldermen shall also have power and authority to appoint such assistants as, in their judgment, such traffic expert may need to properly perform his duties, and shall provide for the compensation of such officers when so appointed, and provide for all other expenses incident to the said office. (Ga. L. 1915, p. 825, § 7.)

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6. For ordinance provisions relative to motor vehicles and traffic, see Tit. 22.

Sec. 1-1102. Inspection of vehicles and issuance of drivers' permits.[7]

The Mayor and Aldermen of the City of Savannah, in the interest of the public safety, is hereby vested with power and authority to require every owner or operator of any automobile, motorcycle or motor truck or motorbus, who is a resident of the City of Savannah, as well as every owner or operator of any automobile, motorcycle, motor truck or motorbus who is a resident of Chatham County and who does business in the City of Savannah or operates such motor vehicle upon the streets of the City of Savannah, to submit once each year to the police department of said city such motor vehicle or motor vehicles for an inspection for the purpose of determining whether the same are safe to operate. And said Mayor and Aldermen of the City of Savannah is further hereby authorized and empowered to require such owner and operator of every such motor vehicle above set forth to obtain from said police department yearly a permit to operate and drive such motor vehicle upon the streets of the City of Savannah, and to refuse to issue such permit if said motor vehicle upon inspection is found to be unsafe to operate, or if such owner or operator of any such motor vehicle is found to be incompetent and unfit to drive or operate the same. Said Mayor and Aldermen of the City of Savannah is further hereby authorized and empowered to charge and collect each year a fee from every such owner and operator of said motor vehicles for making said inspection and/or issuing such permit, such fee not to exceed two dollars. Said Mayor and Aldermen of the City of Savannah is further authorized and empowered to enact by ordinance reasonable rules and regulations for carrying out the provisions of this section of this Act. (Ga. L. 1933, p. 1051, § 11.)

7. For ordinance provisions relative to permits to drive taxicabs and other vehicles for hire, see §§ 33-401 to 33-410.

Chapter 1-12. Municipal Airports.[8]

Article I. In General.

§ 1-1201. Authority to establish, regulate, etc.
§ 1-1202. Condemnation of land.
§ 1-1203. Police jurisdiction and ordinances to embrace.
§ 1-1204. Police and fire protection.

Article II. Airport Commission.

§ 1-1205. Created.
§ 1-1206. Constitutes body corporate and politic.
§ 1-1207. Composition.
§ 1-1208. Appointment generally and tenure of members.
§ 1-1209. Reappointment of members.
§ 1-1210. Officers.
§ 1-1211. Qualifications of members.
§ 1-1212. Meetings.
§ 1-1213. Powers and duties generally.
§ 1-1214. Administration of improvement, maintenance, etc., of airports.
§ 1-1215. Legal services.
§ 1-1216. Power of eminent domain.
§ 1-1217. Annual statement, budget, etc.
§ 1-1218. Nature of functions and duties.
§ 1-1219. Rights in airport property.
§ 1-1220. Receipt of federal, state, etc., aid.
§ 1-1221. Property is public and not subject to taxes.

ARTICLE I. IN GENERAL.

Sec. 1-1201. Authority to establish, regulate, etc.[9]

The Mayor and Aldermen of the City of Savannah is hereby authorized and empowered to appropriate from the city treasury such sum or sums as may be necessary to construct, build or prepare a landing or flying field for airplanes, and for the erection of hangars

8. For ordinance provisions relative to aviation generally, see Tit. 8.

9. In the Savannah charter amendment the expression "landing or flying field or park" is used so many times as to indicate that the field is to be considered as a park. This view is strengthened to the same extent by the provision that the city is authorized to enter into an agreement with the park and tree commission for the use of any portion of any park under their control, and by the provision that the Mayor and Aldermen are authorized to use any park they now own, for the purpose of a landing field. The Mayor, etc., of Savannah v. Lyons, 54 Ga. App. 661, 189 S. E. 63.

and all things necessary for a landing or flying field for airplanes, upon such location, within or without the corporate limits of the City of Savannah in the County of Chatham, which shall be selected by the Mayor and Aldermen of the City of Savannah. The said Mayor and Aldermen of the City of Savannah shall have power to purchase or otherwise acquire such location, to operate and maintain such landing field after its construction; establish and enforce rules and regulations governing the use of such landing or flying field or park; to charge admission for landing in said field or park or using said field or accessories thereto, or admission for going into said field or park, as the Mayor and Aldermen of the City of Savannah shall see fit; or any committee of council appointed by the Mayor and Aldermen of the City of Savannah for such purposes shall have the power to make such rules and regulations, prescribe such fees or charges, have control and govern said landing or flying field or park; such rules and regulations or charges shall be confirmed by the Mayor and Aldermen of the City of Savannah.

The Mayor and Aldermen of the City of Savannah is hereby authorized to enter into an agreement or contract with any person, firm or corporation, political or otherwise, under this Act, for the receiving of any land which should be donated to them for such purpose, or to be placed under their control if used for such purpose as aforesaid. The Mayor and Aldermen of the City of Savannah is hereby authorized, by the authority aforesaid, to enter into an agreement with the park and tree commission of the City of Savannah, created under that Act of the General Assembly of the State of Georgia, approved November 30th, 1895, for the use of any portion of any park or public place now or hereafter under the control or management of said park and tree commission, for the construction and erection of such landing or flying field or park thereon, and for the maintenance and control and operation of said landing field or park, and for the return of the money appropriated by the Mayor and Aldermen of the City of Savannah for the construction of such field or park, from the income to be derived from its operations. The authority is expressly conferred upon the park and tree commission to enter into such agreement by the Mayor and Aldermen of the City of Savannah.

The Mayor and Aldermen of the City of Savannah is hereby authorized, by the authority aforesaid, to use any park or field they now own, or over which they have control, for the purpose of a landing field for airplanes as set forth in the foregoing part of this section, and to make such rules necessary for governing such park

over which they now have control, both as to admission for the use of the field hangars or any accessories in connection with said field, or for the admission to said field, and to make any rules or regulations they may deem necessary for the proper control of said field or any land or building accessories thereto. The Mayor and Aldermen of the City of Savannah is hereby authorized by the authority aforesaid, to select such employees for the control, management and operation of said landing or flying field or park and its amusement and recreation facilities as it may deem sufficient and proper, and shall have authority to pay the same such salaries as they deem fit and proper. Such employees so appointed, while on duty at said park or field, and for the purpose of preserving order and observing the rules and regulations for governing said park and the ordinances of the City of Savannah, shall have power and authority of police officers, and it shall be incumbent upon said employees to preserve order in said field or park at all times. (Ga. L. 1927, p. 1526, § 5.)

Sec. 1-1202. Condemnation of land.

The Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to take, use and condemn such land beyond the city limits of the City of Savannah, in Chatham County, Georgia, as they shall see fit and deem necessary for the purposes of construction, building, preparing or extending a landing field, or flying field, for aeroplanes thereon, or the erection of hangars and/or the doing of such things as are necessary to provide a landing or flying field for aeroplanes; provided, nevertheless, that before such land shall be taken or used the owner or owners of such land or lands shall be notified in writing of the amount and location of the land which it is desired to use, and if such owner or owners and said Mayor and Aldermen cannot or do not agree at once upon the terms and conditions upon which such land shall be taken for such purpose or purposes as aforesaid, the Mayor of said City shall appoint an assessor, and the owner or owners of such land or lands shall appoint another, and the two so appointed shall appoint a third, or if they cannot or do not agree upon a third within five days after being notified of their selection, then the ordinary of Chatham County shall appoint such third assessor, and if the owner or owners of such land does or do not appoint an assessor as aforesaid, within five days after he, or they, is or are so notified as aforesaid, the said ordinary shall appoint two assessors, and the three assessors so appointed by any of the methods aforesaid shall determine and

assess the amount of money to be paid by said city for such land or lands for which they are appointed, and the decision of any two of such assessors, shall be final and binding on the parties, except that in all cases there may be an appeal by either party to the superior court of Chatham County, Georgia, under the usual rules governing appeals to that court, and such decision shall describe the land taken for such purposes aforesaid, and the amount of money to be paid for same, and shall be made in duplicate, and one original given to the said owner, or owners, and the other to said Mayor and Aldermen, and upon the payment by said Mayor and Aldermen of the sum awarded and a receipt therefor being written of such award, such award shall convey said land so awarded to the said Mayor and Aldermen of the City of Savannah, which shall be in fee simple. The powers, remedies and procedure herein set out shall be in addition to and cumulative of those now or hereafter conferred by other laws. (Ga. L. 1929, p. 1281, § 4.)

Sec. 1-1203. Police jurisdiction and ordinances to embrace.

The police jurisdiction and police ordinances of the City of Savannah are hereby extended to embrace the territory upon which said [municipal] landing or flying field shall be located or the territory adjacent thereto. The Mayor and Aldermen of the City of Savannah shall have control of land in connection with said landing field or for the use thereof, and any said buildings or things thereon or connected therewith; and all provisions of that certain Act of the General Assembly of the State of Georgia, approved August 5th, 1921, and found in Georgia Laws 1921, page 1084, establishing the police district of the City of Savannah,[9a] are hereby adopted as applying to said landing or flying fields and land adjacent thereto or building thereon or things connected therewith, over which the Mayor and Aldermen shall have control in connection therewith. (Ga. L. 1927, p. 1526, § 5.)

Sec. 1-1204. Police and fire protection.[1]

The City of Savannah shall continue to give necessary fire and police protection to said [municipal] airport. (Ga. L. 1952, p. 2309, § 16.)

9a. See § 1-106.

1. For special legislative authority as to fire protection generally, see § 1-123. As to police protection generally, see § 1-131.
For ordinance provisions relative to fire protection, see Tit. 14. For provisions relative to police, see Tit. 27.

ARTICLE II. AIRPORT COMMISSION.

Sec. 1-1205. Created.

There is hereby created for the Mayor and Aldermen of the City of Savannah and airport commission. (Ga. L. 1949, p. 917, § 1.)

Sec. 1-1206. Constitutes body corporate and politic.

The Savannah Airport Commission is hereby declared to be a body corporate and politic and, as such, is granted the right to sue and be sued in its own name and to exercise such powers which are customary, pertinent and usual with respect to public corporate bodies generally. (Ga. L. 1952, p. 2309, § 13.)

Sec. 1-1207. Composition.

The Savannah Airport Commission shall be composed of five members. (Ga. L. 1955, p. 2465, § 2.)

Sec. 1-1208. Appointment generally and tenure of members.

All appointments to the airport commission shall be by the Mayor and Aldermen of the City of Savannah for a term of five years. Any person appointed to fill a vacancy in an unexpired term shall serve only for the unexpired term. (Ga. L. 1955, p. 2465, § 2.)

Editor's note.—As originally enacted, the Act from which this section was derived contained provisions for the termination of the terms of incumbent members of the commission and for initial appointments under the Act. Since these provisions have served their purpose, they have been omitted.

Sec. 1-1209. Reappointment of members.

Any member of the airport commission otherwise qualified shall be eligible for reappointment. (Ga. L. 1955, p. 2465, § 2.)

Sec. 1-1210. Officers.

The members of the airport commission shall elect a chairman, vice-chairman and secretary. (Ga. L. 1955, p. 2465, § 2.)

Sec. 1-1211. Qualifications of members.

The members of the airport commission shall be citizens of the State of Georgia and residents of Chatham County. No person shall be eligible for membership on the commission who, at the time of the approval of this Act, or at any time within one year prior to the approval of this Act, holds or shall have held any remunerative public office or position or any employment for compensation, except as an independent contractor, with the United States, the State of Georgia, or any political subdivision of either; and no future member, at the time of his appointment, nor within one year prior thereto, nor during his term of membership, shall hold any such office, position or employment. (Ga. L. 1955, p. 2465, § 2.)

Sec. 1-1212. Meetings.

The airport commission shall meet at least once a month. (Ga. L. 1955, p. 2465, § 2.)

Sec. 1-1213. Powers and duties generally.

The airport commission is authorized to enter into contracts for the rental of buildings, land, office space, equipment and any other property now owned by the Mayor and Aldermen of the City of Savannah located at or on the airport property, to adopt rules and regulations for the operation of said commission and said airports, to receive all revenues from the sale or lease of any properties used in connection with said airport, rentals, fees, grants and contributions and to make payment out of said funds for all necessary expenses, salaries, improvements, etc., to hire and discharge all employees necessary to fill the duties of said commission and to fix the salaries and/or compensations, and to have exclusive control, custody and direction of all lands, properties and improvements fixed in them by the Acts of the General Assembly and to have general direction of the same. All employees within the classified service of the City of Savannah Civil Service Act[2] however are excepted from the provisions of this paragraph. (Ga. L. 1952, p. 2309, § 3.)

Sec. 1-1214. Administration of improvement, maintenance, etc., of airports.

It shall be the duty of the airport commission to administer the

2. See ch. 1-4.

improvement, maintenance and operation of municipally-owned airports of Savannah. (Ga. L. 1949, p. 917, § 1.)

Sec. 1-1215. Legal services.

The airport commission is authorized and empowered to utilize the services of the legal department of the City of Savannah. (Ga. L. 1955, p. 2465, § 2.)

Sec. 1-1216. Power of eminent domain.

The airport commission shall be given the right to exercise the power of eminent domain as is now given to other public bodies of the state, the procedure to be followed being similar to that now vested in municipalities, Chapter 36-101 et. seq., Georgia Annotated Code. (Ga. L. 1952, p. 2309, § 6.)

Sec. 1-1217. Annual statment, budget, etc.

The airport commission shall, not later than December 15th of each year, furnish to the Mayor and Aldermen of Savannah a detailed statement of their operations for the year, and their budget for the following year showing anticipated revenues and anticipated expenditures which shall be filed with the clerk of council, and no [shall] return to the city treasury all funds that would not be expended by the end of the year or which have not already been contracted for or set aside to match federal or state funds or for the payment of debts which have been made but have not yet matured. (Ga. L. 1952, p. 2309, § 7.)

Sec. 1-1218. Nature of functions and duties.

The airport commission shall be separate and distinct from the airport committee of council and, other than named herein, its duties shall be purely administrative and there shall be no delegation of legislative authority from the Mayor and Aldermen to said commission, and the Mayor and Aldermen of the City of Savannah are expressly authorized and empowered to provide by ordinance for all lawful things to be done which may be necessary or incidental to the operation or maintenance of said municipal airports by said commission, and said commission shall be considered strictly as an operating agency of the Mayor and Aldermen of the City of Savannah. (Ga. L. 1949, p. 917, § 8.)

Sec. 1-1219. Rights in airport property.

The airport commission shall have the right to acquire, own, lease and to hold title in its own name to all lands and improvements for airport purposes, and to convey, sell and lease lands and improvements acquired by said commission, and the right, title equity and interest to all lands and improvements now used or which may hereafter be used or acquired, whether within or without the corporate limits of the City of Savannah, are hereby vested in the Savannah Airport Commission and their successors. Said ownership to include the approaches, runways, easements, hereditaments and appurtenances thereto applying and belonging in said lands and in any other lands or other improvements which may hereafter be acquired for municipally-operated airports are vested in said airport commission; provided, however, that no sales or conveyances or agreements for the lease, grant or sale of any of the properties acquired for airport purposes shall be made by the Savannah Airport Commission until said proposed sale or conveyance has been approved by the Mayor and Aldermen of the City of Savannah; and further provided, that any and all agreements or contracts for the expenditure of any sums in excess of one thousand dollars for any single project or purchase or undertaking shall be approved by the Mayor and Aldermen. (Ga. L. 1952, p. 2309, § 12.)

Sec. 1-1220. Receipt of federal, state, etc., aid.

The airport commission is given the right to apply for and receive federal funds for any of the purposes provided for under the Federal Airport Act and to enter into any agreements with the Federal Government, particularly grant agreements, necessary under the provisions of said Act in order to become the recipient of federal aid, under such terms and conditions as might be required by the federal government under grant or aid agreements, and also the right under like conditions to receive state aid or grants under such conditions as the state government might prescribe, and shall also have the right to receive contributions from any other source; provided, that the Savannah Airport Commission shall not match any funds for any purpose from any agency without the consent of the Mayor and Aldermen of the City of Savannah. (Ga. L. 1952, p. 2309, § 14.)

Sec. 1-1221. Property is public and not subject to taxes.[3]

The property of said [airport] commission is hereby declared to be public property and free from the imposition of taxes of any kind. (Ga. L. 1952, p. 2309, § 15.)

Chapter 1-13. Parks and Recreation.

Article I. In General.

§ 1-1301. Municipal stadium.
§ 1-1302. Title to Colonial Park.
§ 1-1303. Recreation commission.

Article II. Park and Tree Commission.

§ 1-1304. Created; composition.
§ 1-1305. Appointment generally and terms of members.
§ 1-1306. Qualifications of members.
§ 1-1307. Authority of Mayor when appointment not confirmed; withdrawal of nominations for appointment.
§ 1-1308. Vacancies.
§ 1-1309. Oath to be taken by members.
§ 1-1310. Officers.
§ 1-1311. Meetings.
§ 1-1312. Quorum.
§ 1-1313. Powers and duties generally.
§ 1-1314. Control of expenditures, appointment of employees, etc.
§ 1-1315. Record to be kept.
§ 1-1316. Rules and regulations.
§ 1-1317. Description and estimate of cost of improvements contemplated.
§ 1-1318. Annual report and estimate of expenditures.
§ 1-1319. Right of Mayor to make recommendations, attend meetings, etc.
§ 1-1320. Right of council committee to inspect books, etc.

Article III. Bacon Park.

Division 1. Generally.

§ 1-1321. Police jurisdiction.
§ 1-1322. Article does not impair contract of conveyance.
§ 1-1323. Appropriation and expenditure of operating funds.
§ 1-1324. Police power of employees.

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3. For special legislative authority as to taxation generally, see ch. 1-24.

For ordinance provisions relative to taxation, see Tit. 32.

Division 2. Commission.

§ 1-1325. Created.
§ 1-1326. Composition; appointment and terms of members.
§ 1-1327. Vacancies.
§ 1-1328. Quorum.
§ 1-1329. Majority vote.
§ 1-1330. Secretary.
§ 1-1331. Record to be kept.
§ 1-1332. Removal of members.
§ 1-1333. Powers and duties generally.
§ 1-1334. Expenditure of funds.
§ 1-1335. Rules and regulations.
§ 1-1336. Lease of privileges in park.
§ 1-1337. Lease of golf course.
§ 1-1338. Selection and discharge of employees.
§ 1-1339. Fixing of fees and disposition thereof.
§ 1-1340. Right of Mayor and Aldermen relative to records, reports, etc.

ARTICLE I. IN GENERAL.

Sec. 1-1301. Municipal stadium.

The Mayor and Aldermen of the City of Savannah are authorized and empowered to appropriate from the city treasury such sum or sums as may be necessary to construct an athletic stadium or park upon such location within or without the corporate limits of the City of Savannah as shall be selected by the Mayor and Aldermen of the City of Savannah. The said Mayor and Aldermen of the City of Savannah shall have power to purchase or otherwise acquire such location; to operate and maintain said stadium or park after construction; to establish and enforce rules and regulations governing the use of such stadium or park; to charge admission into said stadium or park upon such occasions as may be determined by the Mayor and Aldermen of the City of Savannah or any committee of council appointed for such purpose. The Mayor and Aldermen of the City of Savannah is hereby authorized by the authority aforesaid to enter into an agreement with the park and tree commission of the City of Savannah, created under that Act of the General Assembly of the State of Georgia, approved November 30, 1895,[4] for the use of any portion of any park or public place now or hereafter under the control or management of said park and tree commission, for the construction of such stadium thereon and for the maintenance and

4. See §§ 1-1304 et seq.

control and operation of said stadium, and for the return of the money appropriated by the Mayor and Aldermen of the City of Savannah for the construction of such stadium from the income to be derived from its operation. The authority is expressly conferred upon said park and tree commission to enter into such agreement with the Mayor and Aldermen of the City of Savannah. (Ga. L. 1924, p. 683, § 4.)

Sec. 1-1302. Title to Colonial Park.

The title and status of that certain piece of ground in the City of Savannah, Georgia, commonly known as the Old Cemetery, on the southeast corner of South Broad and Abercorn Streets, embracing also an open strip of land on South Broad Street, lying between the wall and pavement from Abercorn Street to police barracks; said whole tract being bounded on the north by South Broad Street, on the east by the police barracks and county jail, on the south by the the city pound and a lot of the street and lane department, and on the west by Abercorn Street, are hereby permanently fixed in accordance with the consent decree of the superior court of Chatham County, taken in said court on the ninth day of November, 1895, in the equity causes of John Williamson et al. vs. the Mayor and Aldermen of the City of Savannah, and of the church wardens and vestrymen of the Episcopal Church in Savannah called Christ Church vs. the same defendant, which said decree and all of its terms, provisions, conditions and covenants, are hereby approved and confirmed; the said piece of ground is hereby perpetually granted and dedicated to the uses set forth in the said decree, and for no other uses or purposes whatsoever, and the same shall hereafter be owned, preserved and controlled by the Mayor and Aldermen of the City of Savannah for the purposes of the said decree, and subject to all of its terms, conditions, provisions and covenants, and for no other use or purpose whatsoever. (Ga. L. 1895, p. 286, § 1.)

Sec. 1-1303. Recreation commission.[5]

The Mayor and Aldermen of the City of Savannah are authorized and empowered and directed to establish a recreation commission for the Mayor and Aldermen of the City of Savannah by ordinance

5. For ordinance provisions relative to the recreation commission, see §§ 3-1001 to 3-1009.

and to provide for the appointment and selection of the membership of said commission, to prescribe the qualifications of said members, to define the powers, duties and jurisdiction of said commission, to prescribe the terms of office of the members of said commission, [and] to prescribe and provide by ordinance all rules and regulations necessary for the operation of said recreation commission pertaining thereto or incidental thereto. (Ga. L. 1943, p. 1575, § 1.)

ARTICLE II. PARK AND TREE COMMISSION.[6]

Editor's note.—Section 4 of the Act of December 23, 1896, made provision for the removal of members of the park and tree commission. This section has been omitted, since the procedure prescribed therein was based on the structure of the city council prior to the council-manager act and is no longer applicable.

Sec. 1-1304. Created; composition.

From and after the first Monday in January, eighteen hundred and ninety-six, a park and tree commission for the City of Savannah is hereby created, to consist of five commissioners. (Ga. L. 1895, p. 306, § 1.)

Sec. 1-1305. Appointment generally and terms of members.

The members of the park and tree commission shall be appointed by the Mayor of said city, which appointments, to become effective, shall be confirmed by the Mayor and Aldermen, in council assembled, at any regular meeting in December, eighteen hundred and ninety-five, and if for any reason such appointment should not be confirmed until after the month of December, eighteen hundred and ninety-five, the appointees, whenever confirmed, shall hold office, their term dating back to the first Monday in January, eighteen hundred and ninety-six, and this same provision shall apply so that, if any future appointments be not confirmed during the month of December, in any year, the appointees shall hold office, their terms dating back to the first Monday in January next succeeding said December. The terms for which said commissioners shall be appointed are as follows: One for the term of two years, two for the term of four years, and two for the term of six years, from the first

6. For ordinance provisions relative to the jurisdiction of the park and tree commission over cemeteries, see § 10-102.

Monday in January, eighteen hundred and ninety-six, respectively. At any regular meeting in December, eighteen hundred and ninety-seven, and thereafter biennially, an appointment or appointments shall be sent in by the Mayor to the Mayor and Aldermen of the City of Savannah, in council assembled, of a commissioner or commissioners, respectively, to succeed the commissioner or commissioners whose term or terms may expire on the first Monday in the January next succeeding said December. Each regular term of the first appointees shall begin on the first Monday in January, eighteen hundred and ninety-six, and close at the end of the term for which he shall have been appointed, respectively, and until a successor is appointed, confirmed and qualified and each regular appointee thereafter shall hold his office for the term of six years, respectively, from the first Monday in January, eighteen hundred and ninety-eight, nineteen hundred, and so on, and until his successor is appointed, confirmed and qualified. (Ga. L. 1895, p. 306, § 1.)

Sec. 1-1306. Qualifications of members.

No person shall be eligible to appointment as one of said park and tree commissioners unless he be a citizen of the United States and has been a resident of the City of Savannah continuously for at least one year prior to his appointment. (Ga. L. 1895, p. 306, § 1.)

Sec. 1-1307. Authority of Mayor when appointment not confirmed; withdrawal of nominations for appointment.

The Mayor of the City of Savannah shall have power, if any appointment made by him under this article shall not be confirmed by the Mayor and Aldermen of the City of Savannah in council assembled, to continue appointing until an appointee shall be satisfactory to said council; and the Mayor shall also have the power to withdraw the name of any appointee and substitute another, at any time before action is had upon the same by the said council, and this power of appointment by the Mayor shall continue so as to enable him to exercise the same in December of any year, when the same is required to be made, and thereafter at any regular meeting or meetings, until an appointment satisfactory to said council shall have been made. (Ga. L. 1895, p. 306, § 1.)

Sec. 1-1308. Vacancies.

Should a vacancy occur in said park and tree commission at any time, from death, resignation, or from any other cause than the expiration of a regular term, it shall be the duty of the Mayor of said city, within thirty days from the date of making of said vacancy, to appoint an incumbent to fill said unexpired term, which appointment shall be acted upon by the Mayor and Aldermen of the City of Savannah, in council assembled, and shall become effective when confirmed, and said incumbent shall then hold until said unexpired term shall expire, and until his successor is appointed, confirmed and qualified. (Ga. L. 1895, p. 306, § 1.)

Sec. 1-1309. Oath to be taken by members.

Each member of said park and tree commission, before entering upon the duties of his office, shall take and subscribe the following oath of office before some officer authorized to administer the same, to-wit: "I swear that I will faithfully and impartially demean myself as a member of the Park and Tree Commission of the City of Savannah, during my continuance in office, and will well and truly perform all the duties of said office; and that I will neither be concerned or interested pecuniarily, directly or indirectly, in any contract for work or material furnished, for or on behalf of any work, improvement or preservation of the parks, squares, grass plats, trees, and flowers of said City, while a member of said commission." The oath shall be entered on the minutes of the proceedings of the commission, and the original shall be filed in the office of the clerk of said council. (Ga. L. 1895, p. 306, § 2.)

Sec. 1-1310. Officers.

One of the commissioners shall act as secretary of the park and tree commission and the commission shall elect one of its members chairman and one vice-chairman. (Ga. L. 1895, p. 306, § 4.)

Sec. 1-1311. Meetings.

The said park and tree commission shall hold a stated meeting each month, at the City Exchange [City Hall], and such other meetings as it may prescribe from time to time, or as may be called by the chairman or vice-chairman of said commission, or as may be called by the Mayor of Savannah. (Ga. L. 1895, p. 306, § 4.)

Sec. 1-1312. Quorum.

Three of said park and tree commissioners shall constitute a quorum, with power to transact business. (Ga. L. 1895, p. 306, § 4.)

Sec. 1-1313. Powers and duties generally.

The said park and tree commission shall have the exclusive management of all matters and things relating to the care, preservation, improvement, adornment, good order and regulation generally of the parks, squares, cemeteries in or controlled by said city; grass plats, trees and flowers of said city; the planting of and caring for trees and grass in the parks, squares, and cemeteries aforesaid, and grass plats, and also in the streets of said city; it shall determine what trees may be removed from said parks, squares, cemeteries aforesaid, or streets, what trees may be planted therein, and when such removal or planting shall take place; it shall superintend and take charge of such planting and removal. (Ga. L. 1896, p. 243, § 1.)

Sec. 1-1314. Control of expenditures, appointment of employees, etc.

The said park and tree commission shall have entire charge and control of the expenditure of the appropriation of money which may be made by the Mayor and Aldermen of the City of Savannah, in council assembled, for parks, squares, cemeteries aforesaid, trees and grass plots and flowers, and the same shall be paid out of the city treasury upon bills or resolutions, certified to by the secretary of said commission. The said commission shall have control of its own laborers, it being the intent and meaning of this Act that whatever moneys are expended by the City of Savannah upon the care, preservation and management of parks, squares, cemeteries aforesaid, trees, grass plots and flowers in said city shall be done solely under the direction, approval and management of this commission. The said commission is hereby vested with the power to appoint a keeper of Laurel Grove Cemetery, Bonaventure Cemetery or of any other cemetery in or controlled by said city. (Ga. L. 1911, p. 1531, § 1.)

Sec. 1-1315. Record to be kept.

The said park and tree commission shall keep a record of its proceedings. (Ga. L. 1895, p. 306, § 4.)

Sec. 1-1316. Rules and regulations.

The park and tree commission shall adopt such rules for its government as it may prescribe. It shall also make such rules and regulations as may seem to said commission proper, touching the matters and things within its jurisdiction, which rules and regulations shall be submitted to the Mayor and Aldermen of the City of Savannah and, when approved by the council of said city, shall become binding and effective. When the said rules and regulations are confirmed by council, provision shall be made by the said council for any penalties necessary for the due observation of said rules and regulations. (Ga. L. 1895, p. 306, § 4; Ga. L. 1896, p. 243, § 1.)

Sec. 1-1317. Description and estimate of cost of improvements contemplated.

Whenever the said park and tree commission shall think it desirable or expedient to make any alterations or improvements in any of the public parks, squares, cemeteries or grass plats of said city, other than the planting or removing of trees and the planting of grass or flowers, it shall be its duty to submit to the council of said city a plan or written description of said alterations or improvements, accompanied by an estimate of the cost of the same, which alterations or improvements shall be made only in the event of their approval by council. (Ga. L. 1895, p. 306, § 6.)

Sec. 1-1318. Annual report and estimate of expenditures.

The said park and tree commission shall submit to the Mayor of said city, in the month of October of each year, or at such other times as he may prescribe, an estimate of the amount of money necessary for this department for the ensuing year, so that the same may be considered in the budget to be made out, and on or before the first day of January of each year, it shall submit to the Mayor its report for the preceding year, showing all its actings and doings, its receipt and expenditure of moneys, with such recommendations as it may see fit to make relating to this department, and such other information as may be required of it by the Mayor or by the city council, from time to time. (Ga. L. 1895, p. 306, § 6.)

Sec. 1-1319. Right of Mayor to make recommendations, attend meetings, etc.

The Mayor of the City of Savannah shall have the right to make such recommendation in writing to said board [park and tree commission] from time to time, as he may deem proper; to have free access, at all times, to all records and proceedings, books and papers of said board; to be present, if he chooses, at any regular or special meeting of said board, and shall always receive notice of said meetings at the same time the members of the board are notified, by notice left at the City Exchange [City Hall], though he will have no vote or other power at said meetings. (Ga. L. 1895, p. 306, § 6.)

Sec. 1-1320. Right of council committee to inspect books, etc.

Any committee of said council designated by the Mayor shall, at any time, have access to the proceedings, books and papers of said board [park and tree commission] and the same right of inspection given to the Mayor by the preceding section. (Ga. L. 1895, p. 306, § 6.)

ARTICLE III. BACON PARK.

Division 1. Generally.

Sec. 1-1321. Police jurisdiction.

The police jurisdiction and police ordinances of the city of Savannah are hereby extended to embrace the territory of the said Bacon Park, hereinbefore described, and all the provisions of that certain Act of the General Assembly of the State of Georgia, approved August 5th, 1921, and found in Georgia laws 1921, page 1084, establishing a police district[6a] for the City of Savannah, are hereby adopted as applying to the said Bacon Park. (Ga. L. 1925, p. 1440, § 5.)

Sec. 1-1322. Article does not impair contract of conveyance.

This article shall not be held in any wise to impair or affect any contract or contracts made between the Mayor and Aldermen of the City of Savannah and the commissioners of Chatham County

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6a. See § 1-106.

and ex officio judges with regard to the conveyance of said property [Bacon Park] to the Mayor and Aldermen of the City of Savannah. (Ga. L. 1925, p. 1440, § 8.)

Sec. 1-1323. Appropriation and expenditure of operating funds.

It shall not hereafter be obligatory upon the Mayor and Aldermen of the City of Savannah to appropriate annually funds for the management and operation of Bacon Park, but funds for the management and operation of said park being operated by the Bacon Park Commission may be appropriated by said Mayor and Aldermen, in the discretion of said Mayor and Aldermen. Whatever funds may be appropriated by said Mayor and Aldermen for the management and operation of said Bacon Park shall be expended with the approval of said Mayor and Aldermen. (Ga. L. 1933, p. 1051, § 6.)

Sec. 1-1324. Police power of employees.

Employees so appointed [by the Bacon Park Commission], while on duty at said park, and for the purpose of preserving order and observing the rules and regulations of said commission and the ordinances of the City of Savannah, shall have the power and authority of police officers, and it shall be incumbent upon said employees to preserve order in the said park at all times. (Ga. L. 1925, p. 1440, § 7.)

Division 2. Commission.

Sec. 1-1325. Created.

A board of commissioners in the City of Savannah is hereby created to be known as Bacon Park Commissioners. (Ga. L. 1925, p. 1440, § 1.)

Sec. 1-1326. Composition; appointment and terms of members.

The members of the Bacon Park Commission shall be seven in number. The Mayor of the City of Savannah shall be an ex officio member of said commission and shall be the chairman. The chairman of the commissioners of Chatham County and ex officio judges

shall likewise be an ex officio member of said commission. The Mayor of said city shall appoint the other five members of said commission as follows: Two citizens of the City of Savannah, one for a term of three years and one for a term of five years, two Aldermen of said city who shall remain members of said commission only so long as they are Aldermen; and a member of the said commissioners of Chatham County and ex officio judges, who shall remain a member only so long as he is on said board of commissioners of Chatham County. Such appointments by the Mayor shall be subject to approval by the majority of council. (Ga. L. 1925, p. 1440, § 2.)

Sec. 1-1327. Vacancies.

The Mayor shall have the power and authority to fill any vacancy on said Bacon Park Commission for any unexpired term, the appointment to fill any vacancy to be subject to approval by the majority of council. (Ga. L. 1925, p. 1440, § 2.)

Sec. 1-1328. Quorum.

Four of said Bacon Park Commissioners shall constitute a quorum, with power to transact business. (Ga. L. 1925, p. 1440, § 9.)

Sec. 1-1329. Majority vote.

A majority vote of the Bacon Park Commissioners present shall govern and control in the transaction of all business of the said commission. (Ga. L. 1925, p. 1440, § 9.)

Sec. 1-1330. Secretary.

One of said Bacon Park Commissioners may act as secretary of the commission, or the commission may appoint a secretary outside of its membership. (Ga. L. 1925, p. 1440, § 9.)

Sec. 1-1331. Record to be kept.

Said Bacon Park Commission shall keep a record of its proceedings. (Ga. L. 1925, p. 1440, § 9.)

Sec. 1-1332. Removal of members.

The Mayor shall have the power and authority at any time to remove any member of said Bacon Park Commission, with the ex-

ception of the chairman of the commissioners of Chatham County and ex officio judges, with or without cause. (Ga. L. 1925, p. 1440, § 2.)

Sec. 1-1333. Powers and duties generally.

It shall be the duty of said Bacon Park Commission to manage, direct and care for that certain public park and municipal golf course situated in Chatham County, Georgia, near the City of Savannah, containing six hundred seventy-five acres of land, more or less, known as the Bacon Park, and described as follows:

Beginning at a stone marking the northwest corner of the Chatham County Farm, extending thence along the northern boundary of said farm south 73 degrees 24 minutes, east 3,311.0 feet to the west line of the right of way of the Savannah Electric & Power Company, thence along the western line of said right of way south 14 degrees 53 minutes, east 1,110.5 feet, thence across said right of way south of a row of pecan trees marking the extension of the south side of Bonabella Avenue, 1,366.8 feet across and to the east side of the present Skidaway Road, thence along the east side of said road south 19 degrees 7 minutes, west 209.5 feet, thence south 86 degrees 15 minutes, east 667.0 feet, thence south 19 degrees 7 minutes, west 1,215.0 feet, thence south 76 degrees 48 minutes, east 690.0 feet to the present eastern boundary of the County Farm, thence south 18 degrees 0 minutes, west along said eastern boundary of the County Farm 4,100.00 feet to a stone, thence following the boundary of the County Farm south 75 degrees 0 minutes, 1,011.8 feet to a stone, thence south 23 degrees 0 minutes west, 1,980.0 feet to a stone, thence south 83 degrees 0 minutes, west 901.6 feet to a stone wall along the boundary of the County Farm, thence across what is now County property north 36 degrees 29 minutes, west 2,639.5 feet to a point 72.0 feet east of the center line of New Casey Canal, thence in a southwesterly direction 72.0 feet from and parallel with the center line of said canal to a point 35.0 feet east of the Meridian Road, thence in a northerly direction on a line parallel with and 35.0 feet east of the center line of the Meridian Road and across to the west bank of the old Casey Canal where said west bank intersects the said above described line, thence along said west bank of old Casey Canal, north 32 degrees 58 minutes, east to a point where the said line of the west bank of old Casey Canal intersects a line 12.5 feet north of and parallel with the center line of Hampstead Canal, thence following the direction

of Hampstead Canal in a northwesterly direction along said line 12.5 feet north of and parallel with the center line of Hampstead Canal to the intersection of said line with the line dividing the County Farm from the Stevenson Subdivision, thence along said dividing line north 17 degrees 57 minutes, east 1,083.0 feet to the beforementioned stone marking the northwest corner of the County Farm. Bounded on the north by a proposed road to be taken from the properties of G. W. Lowden and W. H. Eskedor, a remaining portion of the County Farm and lands of Fowler; on the east by lands of Walker Parsons, Calvert and Freemanville; on the south by a remaining portion of the County Farm; on the west by the Meridian Road, Hampstead Canal and Stevenson Subdivision.

The jurisdiction of said commission shall extend also over any other territory hereafter acquired for said park. (Ga. L. 1925, p. 1440, § 3.)

Sec. 1-1334. Expenditure of funds.

The said Bacon Park Commission shall have the power to expend, for managing, improving, controlling, extending and operating said park, all sums of money appropriated and turned over to said commission by the Mayor and Aldermen of the City of Savannah, and shall have the entire charge and control of moneys so appropriated. (Ga. L. 1925, p. 1440, § 6.)

Sec. 1-1335. Rules and regulations.

The said Bacon Park Commission shall have the authority to make and prescribe rules and regulations for the government of said Bacon Park, and all recreation and amusement facilities thereon, and when said rules and regulations are approved by council they shall have force and effect of ordinances of the City of Savannah. Any person or persons who shall violate any of the rules of the said commission shall be deemed guilty of disorderly conduct and shall be prosecuted before the police court of Savannah, and upon conviction fined in a sum not exceeding one hundred dollars, or imprisoned in jail for a term not exceeding thirty days, either or both, or any part of either or both, in the discretion of the police court. (Ga. L. 1925, p. 1440, §§ 4, 7.)

Sec. 1-1336. Lease of privileges in park.

Said Bacon Park Commission shall have the power and authority

to lease privileges in said Bacon Park, subject to the approval of the Mayor and Aldermen of the City of Savannah, the funds derived from such leases to be turned over to the Mayor and Aldermen of the City of Savannah and deposited in the city treasury. (Ga. L. 1925, p. 1440, § 10.)

Sec. 1-1337. Lease of golf course.

The Bacon Park Commission shall have the right to lease the municipal golf course or golf courses situated in Chatham County, Georgia, in that certain six hundred seventy-five acres of land, more or less, known as Bacon Park, to any person, firm or corporation that may be approved by the Bacon Park Commission and the Mayor and Aldermen of the City of Savannah. The terms, provisions and conditions of any lease which may be effected, shall be subject to the approval of the Mayor and Aldermen of the City of Savannah. All funds derived from any such lease shall be turned over to the Mayor and Aldermen of the City of Savannah and deposited in the city treasury. (Ga. L. 1933, p. 1051, § 5.)

Sec. 1-1338. Selection and discharge of employees.

The selection by the said Bacon Park Commission of employees for the control, management and operation of said park and its amusement and recreation facilities shall be with the approval of the said Mayor and Aldermen.

In the event of disagreement between said commission and said Mayor and Aldermen, the judgment of said Mayor and Aldermen shall prevail.

Said commission may discharge said employees at any time, with or without cause. (Ga. L. 1925, p. 1440, § 7; Ga. L. 1933, p. 1051, § 6.)

Sec. 1-1339. Fixing of fees and disposition thereof.

All fees which may be charged by said Bacon Park Commission for the use of the amusement, health and recreation features of said Bacon Park, shall be fixed by said commission, subject to approval of the said Mayor and Aldermen of the City of Savannah. Such fees, however, shall be turned over to the Mayor and Aldermen of the City of Savannah and deposited in the city treasury. (Ga. L. 1925, p. 1440, § 10; Ga. L. 1933, p. 1051, § 6.)

Sec. 1-1340. Right of Mayor and Aldermen relative to records, reports, etc.

The Mayor and Aldermen of the City of Savannah shall at all times have free access to all records, proceedings, books and papers of said Bacon Park Commission, and shall have the right to require said commission to make such reports as it may see proper, of the actions and doings of said commission; and the said Mayor and Aldermen shall likewise have the authority to make such recommendations to said commission, regarding the control and management of said park and its recreation and amusement facilities, as said Mayor and Aldermen may deem proper. (Ga. L. 1925, p. 1440, § 9.)

Chapter 1-14. Party Walls.

§ 1-1401. Agreement to build, etc.
§ 1-1402. Notice of desire to build; authority to build; etc.
§ 1-1403. Costs of repair.
§ 1-1404. Authority to regulate by ordinance.

Sec. 1-1401. Agreement to build, etc.

Whenever owners of adjoining lots or part lots of land in the City of Savannah shall, in writing, agree to build a party wall or fence on the line of the respective owners, and to keep the same in repair, said owners may record such agreement in the clerk's office of the superior court of Chatham County within the time and on the terms for recording conveyances of real estate; and such agreement, so recorded, shall operate as a covenant running with the land, and shall be binding on the said respective owners, and their heirs and assigns, and the same effect shall be given to a similar agreement for the repairing only of a party wall or fence, such agreement being properly recorded, as aforesaid. (Ga. L. 1866, Nov.-Dec. Sess., p. 194, § 1.)

Sec. 1-1402. Notice of desire to build; authority to build; etc.

Whenever the owner of a lot or part lot of land in said city shall desire to put up a wall or fence on the line of such lot or part lot, dividing it from an adjoining lot or part lot, on the contiguous line of which there may be no wall or fence, such owner so desiring to build may give twenty days' notice to the adjoining owner, or his

agent, of such desire to build; and if such adjoining owner shall neglect or refuse to join in the expenses of building and keeping in repair such wall or fence, then the party giving said notice shall be entitled and is hereby authorized to put up and build such wall or fence of the usual thickness, and with the proper foundation, partly upon his own ground and partly upon the adjoining ground, on application to and permission granted by the city council of Savannah; and, in this case, when the other owner is desirous of building or using such wall or fence, he may use so much thereof as may be necessary by paying to the builder, or his heirs or assigns, one-half of its value, and then the two owners shall become joint owners of said party wall or fence, and be equally bound for all necessary repairs. Such half value may be recovered by the builder, his heirs or assigns, from the party so aforesaid using the said wall or fence after it shall have been built as aforesaid, by action in any court of competent jurisdiction; and such cause of action shall be a lien on such adjoining lot or part lot until payment of said half value; provided, always, that nothing in this Act contained shall be so construed as to authorize any person to put up, build, or erect any wall, fence, or other structure, in said city contrary to a fire or other lawful ordinance of Savannah. (Ga. L. 1866, Nov.-Dec. Sess., p. 194, § 2.)

Sec. 1-1403. Costs of repair.

In any case where there shall be a dividing fence between two lots or part lots, in said city, which may require repair, the party refusing to pay his just proportion of expenditure for any necessary repair made by the other party for the benefit of both, may be compelled to pay such proportion at the suit and on the recovery of such other party before any court of competent jurisdiction; provided, it be shown on the trial that the said refusing party was duly notified of the necessity of such repair, and by himself or his agent declined to pay said proportion. (Ga. L. 1866, Nov.-Dec. Sess., p. 194, § 3.)

Sec. 1-1404. Authority to regulate by ordinance.

The city council of Savannah is authorized by ordinance to make such further rules and regulations concerning dividing walls and fences as are not in conflict with this Act or with the constitution or laws of this state. (Ga. L. 1866, Nov.-Dec. Sess., p. 194, § 4.)

Chapter 1-15. Pensions.[7]

See Ga. L. 1945, pp. 557, 703; Ga. L. 1949, p. 774; Ga. L. 1950, p. 2668; Ga. L. 1955, p. 3328.

Chapter 1-16. Planning and Zoning.[8]

Article I. In General.

§ 1-1601. Metropolitan planning district established.
§ 1-1602. Authority to enact, alter, etc., zoning and planning laws.
§ 1-1603. Approval of property owner required for amendment or repeal of Zoning Ordinance; exception.
§ 1-1604. Contracts between bodies participating in plan.
§ 1-1605. Affect of chapter on other laws.

Article II. Planning Commission Generally.

§ 1-1606. Established; official title.
§ 1-1607. Composition; members to be residents of county.
§ 1-1608. Appointment of members—By county commissioners.
§ 1-1609. Same—By Mayor and Aldermen.
§ 1-1610. Public officers and employees not eligible for membership; reappointment of members.
§ 1-1611. Termination of term of member from district authority.
§ 1-1612. Vacancies.
§ 1-1613. Officers; adoption of rules.
§ 1-1614. Compensation of members.
§ 1-1615. Delegation of rights exercised by other boards and commissions.
§ 1-1616. Employment of personnel and contracts for services.
§ 1-1617. Funds and budget.
§ 1-1618. Minutes and books of account.
§ 1-1619. Annual reports.

Article III. Master Plan.

§ 1-1620. Preparation.
§ 1-1621. Adopted by commission—Hearing prerequisite.
§ 1-1622. Same—Method.
§ 1-1623. Same—Effect.
§ 1-1624. Adoption by county, city or other municipality.
§ 1-1625. Enforcement.
§ 1-1626. Amendment—Must be referred to commission.

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7. As to civil service, see ch. 1-4.
8. For ordinance provisions relative to zoning, see Tit. 38.

§ 1-1627. Same—Commission must act within forty days.
§ 1-1628. Same—Effect of commission's recommendation; adoption.
§ 1-1629. Availability to other counties and municipalities.

ARTICLE I. IN GENERAL.

Sec. 1-1601. Metropolitan planning district established.

There is hereby established a metropolitan planning district, hereinafter referred to as "the district", which district shall be and include all of the territorial area of Chatham County. (Ga. L. 1955, p. 2535, art. I.)

Sec. 1-1602. Authority to enact, alter, etc., zoning and planning laws.

The Mayor and Aldermen of the City of Savannah shall have authority to enact, alter, amend, change or repeal zoning and planning laws, whereby such city, and also its environs within the limits of Chatham County, may be zoned and districted for various uses and other or different uses prohibited therein, and regulating the use for which said zones or districts may be set apart, and regulating the plans for development and improvement of real estate therein. (Ga. L. 1950, p. 2366, § 1.)

Sec. 1-1603. Approval of property owner required for amendment or repeal of Zoning Ordinance; exception.

Before any Zoning Ordinance of the City of Savannah shall be altered, amended, changed or repealed with respect to any lot or lots within any zone, there shall be presented to the Mayor and Aldermen of the City of Savannah the written approval of at least fifty-one per cent of the owners of property lying in said zone, and within six hundred feet in every direction of the lot or lots to be affected by such proposed alteration, amendment, change or repeal of such Zoning Ordinance.

Provided, however, that nothing in this section shall be taken to require the approval of any property owner or owners where the proposed amendment provides that any public school building used in connection with the operation of a public school, or used in connection with public education may be built on property on which the same has previously been prohibited by the Zoning Ordinance, or part thereof, to be amended. (Ga. L. 1950, p. 2366, § 2.)

Sec. 1-1604. Contracts between bodies participating in plan.

The [planning] commission and the county or the municipality participating in the master plan or any part thereof shall have authority to contract with one another for the furnishing of such services and assistance as may be necessary or proper under the provisions of this chapter. (Ga. L. 1955, p. 2535, art. VII, § 1.)

Sec. 1-1605. Affect of chapter on other laws.

The laws of this state as they are now or may hereafter be, conferring on municipalities and counties and the officers, boards and commissions thereof, powers with regard to the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of the lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, and all zoning laws, shall not be affected by this chapter.

Nothing herein contained shall be construed in derogation of the provisions of the Savannah District Authority Act, (Ga. L., 1951, pp. 190 to 197), nor of the powers, duties, responsibilities and authorizations given to the Savannah District Authority thereby or by any Act or Acts supplementary or amendatory thereto. (Ga. L. 1955, p. 2535, art. VI, § 4, art. VII, § 6.)

ARTICLE II. PLANNING COMMISSION GENERALLY.[9]

Sec. 1-1606. Established; official title.

There is hereby established a planning commission for such [metropolitan planning] district to be known as the Savannah Metropolitan Planning Commission, hereinafter referred to as "the commission". (Ga. L. 1955, p. 2535, art. II, § 1.)

Sec. 1-1607. Composition; members to be residents of county.

Said commission shall be composed of twelve members all of whom shall be residents of Chatham County. (Ga. L. 1955, p. 2535, art. II, § 1.)

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9. For ordinance provisions concerning the duties of the planning commission relative to traffic, see § 22-102.

Sec. 1-1608. Appointment of members—By county commissioners.

Six of the members of the commission shall be appointed by the board of commissioners of Chatham County, and one of the six members so appointed shall be from the membership of the Savannah District Authority. Of the six members so appointed, two shall be appointed for terms of one year; two for terms of two years; and two for terms of three years. Their successors shall be appointed by the Chatham County commissioners for terms of three years. (Ga. L. 1955, p. 2535, art. II, § 2.)

Sec. 1-1609. Same—By Mayor and Aldermen.

Six of the members of the commission shall be appointed by the Mayor and Aldermen of the City of Savannah, and one of the members so appointed shall be from the membership of the Savannah District Authority. Of the six members so appointed, two shall be appointed for terms of one year; two for terms of two years; and two for terms of three years. Their successors shall be appointed by the Mayor and Aldermen of the City of Savannah for terms of three years. (Ga. L. 1955, p. 2535, art. II, § 3.)

Sec. 1-1610. Public officers and employees not eligible for membership; reappointment of members.

No person shall be eligible for membership on said commission who, at the time of the effective date of this Act [1] or at any time within one year prior thereto, holds or shall have held any remunerative public office or position or any employment for compensation, except as an independent contractor, with the United States, the State of Georgia, or any political subdivision of either, and no future member, at the time of his appointment nor within one year prior thereto, nor during his term of membership, shall hold any such office, position or employment. Except as provided aforesaid, any member otherwise qualified shall be eligible for reappointment. (Ga. L. 1955, p. 2535, art. II, § 6.)

Sec. 1-1611. Termination of term of member from district authority.

In the event a member of the commission appointed from member-

1. March 3, 1955.

ship of the Savannah District Authority shall cease to be a member of said authority during the term of his appointment to the commission, his membership on the commission shall terminate and the body appointing such member to the commission shall name a member of said authority to fill the unexpired term of its original appointee. (Ga. L. 1955, p. 2535, art. II, § 4.)

Sec. 1-1612. Vacancies.

In case of vacancy [on the commission] arising from death, resignation, change of residence or for any other cause, before the expiration of the term for which such member had been appointed, a successor shall be appointed for the unexpired term by the body making the original appointment. (Ga. L. 1955, p. 2535, art. II, § 5.)

Sec. 1-1613. Officers; adoption of rules.

The commission shall elect from its own members a chairman, vice-chairman, secretary and treasurer, and shall adopt its own rules for the conduct of its business, including rules for notice and hearing, not inconsistent with the terms of this Act. (Ga. L. 1955, p. 2535, art. III, § 1.)

Sec. 1-1614. Compensation of members.

No member shall receive any compensation for his services on the commission, but he shall be entitled to be reimbursed from the funds of the commission for his necessary traveling and other expenses incurred in work for the commission. (Ga. L. 1955, p. 2535, art. III, § 3.)

Sec. 1-1615. Delegation of rights exercised by other boards and commissions.

The Chatham County commissioners and the Mayor and Aldermen of the City of Savannah shall have the right to delegate to the new commission any or all the rights now being exercised by the respective boards and commissions. (Ga. L. 1955, p. 2535, art. V. § 3.)

Sec. 1-1616. Employment of personnel and contracts for services.

The commission shall have the power to employ professional,

technical and clerical personnel and to enter into contracts for services. (Ga. L. 1955, p. 2535, art. III, § 2.)

Sec. 1-1617. Funds and budget.

Funds for the commission shall be provided by the Chatham County commissioners and the City of Savannah. The commission, each year, shall adopt a budget and submit it to the Chatham County commissioners and the City of Savannah for their approval. If the Chatham County commissioners and the City of Savannah approve said budget, then the funds necessary to meet said budget shall be provided by them as mutually agreed upon.

The commission shall have the power to expend monies provided for its use as herein set out and monies received from other sources. (Ga. L. 1955, p. 2535, art. III, § 2; art. IV, § 2.)

Sec. 1-1618. Minutes and books of account.

The commission shall keep minutes of all proceedings and books of account which shall be audited at least once in each calendar year and shall be open to the public. (Ga. L. 1955, p. 2535, art. IV, § 1.)

Sec. 1-1619. Annual reports.

The commission shall make annual reports, showing all its receipts and disbursements, to each of the governmental units contributing to its maintenance. (Ga. L. 1955, p. 2535, art. IV, § 1.)

ARTICLE III. MASTER PLAN.

Sec. 1-1620. Preparation.

It shall be the duty of the [planning] commission to make a master plan for the orderly growth of the [metropolitan planning] district, and the residential and industrial development thereof, and to amend such plan from time to time as it may be deemed proper, and to furnish copies and recommend acceptance thereof to the county and cities involved. Such master plan, with the accompanying maps, plats, charts and descriptive matter, shall show the commission's recommendations for the development of the district, including among other things, recommendations for the promulgation of traffic regulations of all kinds anywhere within said district, and recommendations for the punishment for violation of such regulations in the

police courts of the City of Savannah and of Chatham County. (Ga. L. 1955, p. 2535, art. V, § 1.)

Sec. 1-1621. Adopted by commission — Hearing prerequisite.

Before adopting such master plan, or any part thereof, or any amendment, extension or addition thereto, the commission shall hold at least one public hearing. At least seven days' prior notice of the time and place of each hearing shall be given by publication in a newspaper of general circulation in the [metropolitan planning] district. At least seven days' prior notice of the hearing shall be given in writing to the governing authority of the governmental unit or units involved. (Ga. L. 1955, p. 2535, art. V, § 2.)

Sec. 1-1622. Same—Method.

The adoption of this [master] plan and of any part, amendment, extension or addition thereto, shall be by resolution of the commission carried by the affirmative two-thirds vote of the members. (Ga. L. 1955, p. 2535, art. V, § 2.)

Sec. 1-1623. Same—Effect.

The commission shall act in an advisory capacity and the adoption by the commission of the master plan or any part thereof, or any amending [amendment], extension or addition thereto shall constitute a recommendation only and shall have no binding effect on the governing bodies of Chatham County or the City of Savannah, or any municipality within said metropolitan district. (Ga. L. 1955, p. 2535, art. VI, § 1.)

Sec. 1-1624. Adoption by county, city or other municipality.

Chatham County and the City of Savannah or any municipality therein, may adopt such master plan, or such part thereof, or such amendment, extension or addition thereto, as it sees fit and by such procedure as its rules may require. (Ga. L. 1955, p. 2535, art. VI, § 2.)

Sec. 1-1625. Enforcement.

Whenever the master plan or any part thereof shall be adopted by

said county or any municipality therein, the enforcement, within its territorial limits, of said plan or part thereof so adopted, shall rest solely with such county and municipality. (Ga. L. 1955, p. 2535, art. VI, § 3.)

Sec. 1-1626. Amendment—Must be referred to commission.

Upon adoption of such master plan or part thereof by any such county or municipality, such county or municipality shall not thereafter change such plan or part thereof without first referring such proposed change back to the [planning] commission for its recommendation. (Ga. L. 1955, p. 2535, art. VI, § 2.)

Sec. 1-1627. Same — Commission must act within forty days.

When a proposed change [in the master plan] has been referred back to the commission, failure of the commission to report its recommendation with respect to such change within forty days after its receipt shall be deemed to constitute approval by the commission of such change. (Ga. L. 1955, p. 2535, art. VI, § 2.)

Sec. 1-1628. Same — Effect of commission's recommendation; adoption.

The recommendation of the commission with respect to a proposed change shall be advisory only and, after the receipt of the commission's recommendations or its failure to report within forty days as hereinabove provided, such county or muncipality may then adopt such change or not as it sees fit and by such procedure as its rules may require. (Ga. L. 1955, p. 2535, art. VI, § 2.)

Sec. 1-1629. Availability to other counties and municipalities.

The commission may make available the master plan or any part thereof to other counties or municipalities whether they are located in the district or not upon such terms as may be mutually agreed upon. (Ga. L. 1955, p. 2535, art. VII, § 2.)

Chapter 1-17. Public Health and Sanitation.[2]

Editor's note.—Public health generally is governed by Ga. Code Ann., Title 88, pursuant to a resolution of the Mayor and Aldermen adopted December 30, 1953.

§ 1-1701. Jurisdiction of city for sanitary purposes.
§ 1-1702. General powers relative to health and welfare.
§ 1-1703. Municipal hospital.
§ 1-1704. Cleaning of privy vaults, surface drawers and dry wells.
§ 1-1705. Cutting and removal of weeds.

Sec. 1-1701. Jurisdiction of city for sanitary purposes.

The jurisdiction of the Mayor and Aldermen of the City of Savannah, for sanitary purposes, is hereby extended, so that it may embrace all the territory within two miles of the present or any future extended corporate limits of the said City of Savannah; and the said municipal corporation is authorized to pass such ordinances, rules and regulations as may seem to its council proper for the health and proper sanitation of the said territory. (Ga. L. 1895, p. 319, § 1.)

Sec. 1-1702. General powers relative to health and welfare.

The Mayor and Aldermen of the City of Savannah is vested with full power and authority to purchase or acquire private streets, lanes, alleys, sidewalks, curbing, parks, drains, sewers, sewer pipes, manholes, catch basins, and to make contracts for additional streets, lanes, alleys, sidewalks, curbing, parks, and for the collection and disposal of garbage, and for any and all other matters pertaining to the health and welfare of the inhabitants of the City of Savannah, within the corporate limits of the City of Savannah, as they are or hereafter may be defined, and within two miles of said corporate limits. (Ga. L. 1924, p. 683, § 1.)

Sec. 1-1703. Municipal hospital.[3]

Said Mayor and Aldermen of the City of Savannah are hereby

2. For ordinance provisions relative to public health and sanitation generally, see Tit. 29.

3. For ordinance provisions relative to the city dispensary, see §§ 29-201 to 29-209.

authorized and empowered to maintain and operate, either alone or jointly with the County of Chatham, a municipal hospital, to appropriate annually moneys from the city treasury for such purpose, and to appoint a commission composed of such number of commissioners and with such qualifications as said Mayor and Aldermen may deem proper, to manage said hospital for and in behalf of said Mayor and Aldermen, and said Mayor and Aldermen are further authorized and empowered to make such rules and regulations for the government and operation of said commissioners as it may deem proper. Said Mayor and Aldermen are further authorized and empowered to receive and accept a grant and transfer of the present real estate and hospital site and rights and franchise of the Savannah Hospital, a corporation. In the event of the establishment in the City of Savannah of a municipal hospital, either from funds derived from the bond election or from the city treasurer of the City of Savannah out of current taxes, the commission provided for shall be composed of five members to be elected by the Mayor and Aldermen of the City of Savannah for terms of one, two, three, four and five years, each commissioner to hold office until his successor has been elected and qualified. In the event of the death or resignation of a commissioner, a successor shall be elected by said Mayor and Aldermen for the unexpired term. Women shall be competent to be elected to said commission. The other qualifications of said commissioners and the rules and regulations for the government and operation of said commission shall be such as said Mayor and Aldermen may deem proper. (Ga. L. 1920, p. 1483, § 4; Ga. L. 1922, p. 965, § 12.)

Sec. 1-1704. Cleaning of privy vaults, surface drawers and dry wells.

The Mayor and Aldermen of the City of Savannah is hereby authorized and empowered to pass ordinances requiring that all privy vaults, surface drawers and dry wells in the City of Savannah shall be cleansed by the city authorities. Said Mayor and Aldermen are further authorized and empowered to make reasonable charges therefor against the owners of the property. Said Mayor and Aldermen shall have authority to enforce collection of such charges where the same remain due and unpaid for a period of thirty days by execution to be issued by city treasurer of said city against the owner of the premises on which such privy vaults, surface drawers or dry well is situated, and against such other persons as may be

liable therefor. The said execution shall be a lien upon the said property and premises and, when recorded on the General Execution Docket of Chatham County, Georgia, shall be a lien on all the property of the defendant in execution from the date of such record. The said execution shall be levied and the property sold in the manner now provided for the levying and collection of executions issued by said City of Savannah for water rents, and the proceedings and provisions for the filing of an affidavit of illegality by the defendant in execution, as well as the proceedings for the filing of the claim to the property levied upon by a third person shall, in all respects, be similar to the proceedings and provisions of the law applicable to the levying of executions for water rents by the said Mayor and Aldermen of the City of Savannah. (Ga. L. 1922, p. 965, § 3.)

Sec. 1-1705. Cutting and removal of weeds.[4]

The Mayor and Aldermen of the City of Savannah shall have power and authority to require the owner, or his duly authorized agent, of any lot, tract, parcel of land or premises in the City of Savannah to cut and remove from the same, at any time that the health officer of said city may deem necessary, any and all weeds or vegetable growth thereon which might endanger the public health. If, after fifteen days' notice to such owner, or the owner's duly authorized agent, the weeds or vegetable growth are not cut and removed, the said Mayor and Aldermen may cut and remove the same and charge the expense of the same to the said owner. The said Mayor and Aldermen shall have authority to enforce the collection of the charges for cutting and removing said weeds or vegetable growth when such charges are due and remain unpaid for a period of thirty days, by execution to be issued by the city treasurer of said city against the owners of the premises from which the weeds or vegetable growth are cut and removed, and such other persons as may be liable therefor. The said execution shall be a lien upon the said premises and, when recorded in the general execution docket of Chatham County, Georgia, shall be a lien upon all of the property of the defendant in execution from the date of such record. The notice required shall consist of five consecutive publications in a daily newspaper of general circulation in the City of Savannah, of a notice signed by the health officer of the City of Sa-

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4. For ordinance provisions relative to the cutting and removal of weeds, §§ 29-106, 29-107.

vannah, and directed to the property owners in the City of Savannah, requiring such property owners, within fifteen days after the date of the last publication of such notice, to cut and remove any and all weeds or vegetable growth that may exist upon the land or premises of such property owners. The said execution shall be levied and the property sold in the manner now provided for the levy and collection of executions issued by said City of Savannah for water rents and the proceedings and provisions for the filing of an affidavit of illegality by the defendant in execution, as well as the proceedings for the filing of a claim to the property levied upon by a third person, shall in all respects be similar to the proceedings and provisions of the law applicable to the levy of executions for water rents and charged by the said Mayor and Aldermen of the City of Savannah. (Ga. L. 1919, p. 1294, § 2; Ga. L. 1922, p. 965, § 2.)

Chapter 1-18. Savannah-Chatham County Historic Site and Monument Commission.

Editor's note.—Ga. L. 1949, p. 977, § 2, made provision for the removal of members of the Savannah-Chatham County Historic Site and Monument Commission. This provision has been omitted since the procedure therein prescribed was based upon the structure of the city council prior to the council-manager act and is no longer applicable.

§ 1-1801. Incorporation; powers generally.
§ 1-1802. To be a department of city government.
§ 1-1803. Composition; appointment and terms of members.
§ 1-1804. Members to serve without compensation; expenses.
§ 1-1805. Officers.
§ 1-1806. Secretary and clerks.
§ 1-1807. Offices.
§ 1-1808. Meetings.
§ 1-1809. Quorum.
§ 1-1810. Approval of council required for erection or restoration of monuments.
§ 1-1811. Estimates and reports required.
§ 1-1812. Rights of Mayor and council committees.
§ 1-1813. Acceptance of title to property.

Sec. 1-1801. Incorporation; powers generally.

The Savannah-Chatham County Historic Site and Monument Commission is hereby declared to be a body corporate and politic

and, as such public corporation, shall have perpetual existence, with full power and authority to have and use a common seal, to sue and to be sued, to incur debts, liabilities and obligations, to purchase, acquire by gift, construct, lease and to manage and/or operate real or personal property within or without the corporate limits of the City of Savannah in Chatham County, Georgia, to make charges for admission thereto and/or for the use thereof, and for any such purposes to own, hold, lease, manage, control and/or operate the same and to do all acts and to exercise all powers authorized by any ordinance of the Mayor and Aldermen of the City of Savannah which may be passed consonant herewith.

The Mayor and Aldermen of the City of Savannah is hereby authorized and empowered to grant and delegate to the Savannah-Chatham County Historic Site and Monument Commission such further and additional lawful authority and power as the said Mayor and Aldermen may deem necessary, convenient or desirable in furtherance of the purposes expressed in this chapter and the said Historic Site and Monument Commission is hereby authorized and empowered to exercise and carry out all power, authority and function granted to and delegated to it hereby, or which may be hereafter granted to or delegated to it by the Mayor and Aldermen of the City of Savannah, or by the State of Georgia or any department or subdivision thereof, consonant with the purposes expressed in this chapter. (Ga. L. 1949, p. 977, §§ 1, 3; Ga. L. 1950, p. 2365, § 1.)

Sec. 1-1802. To be a department of city government.

The Savannah-Chatham County Historic Site and Monument Commission is hereby declared to be a department of the municipal government of the Mayor and Aldermen of the City of Savannah. (Ga. L. 1949, p. 977, § 2.)

Sec. 1-1803. Composition; appointment and terms of members.

The said Savannah-Chatham County Historic Site and Monument Commission shall consist of five members, who shall be appointed by the Mayor of the City of Savannah, with the consent and approval of the Board of Aldermen of the City of Savannah and, upon the resignation, death or removal from office of any of said members, a successor shall be appointed in like manner. The members of the said commission shall be citizens of Chatham

County, Georgia, and one member shall be appointed for one year, one for two years, one for three years, one for four years and one for five years. Upon the expiration of the term of office of said members of said commission, their successors shall be appointed for terms of five years each. (Ga. L. 1949, p. 977, § 2.)

Sec. 1-1804. Members to serve without compensation; expenses.

The commissioners so appointed [under this chapter] shall serve without compensation but shall be reimbursed for all necessary expenses which they may incur. (Ga. L. 1949, p. 977, § 2.)

Sec. 1-1805. Officers.

The Savannah-Chatham County Historic Site and Monument Commission shall elect, out of its own membership, a chairman, a vice-chairman and a secretary whose duties shall be those usual to such offices. (Ga. L. 1949, p. 977, § 2.)

Sec. 1-1806. Secretary and clerks.

The Savannah-Chatham County Historic Site and Monument Commission may employ a secretary and such other clerks as may be necessary to keep fair minutes and entries of all ordinances, orders and regulations pertaining to the purposes of the commission and for the transaction of the business thereof. (Ga. L. 1949, p. 977, § 2.)

Sec. 1-1807. Offices.

The principal office of the Savannah-Chatham County Historic Site and Monument Commission shall be at the City Hall in the City of Savannah and said commission is hereby authorized and empowered to establish a principal office or offices in the City of Savannah, in the State of Georgia or elsewhere in the United States of America, or in any foreign country. (Ga. L. 1949, p. 977, § 2.)

Sec. 1-1808. Meetings.

The Savannah-Chatham County Historic Site and Monument Commission shall meet at regular sessions, not less than once in every sixty days, and at such other times as its chairman shall con-

vene the body, or upon the written request of two members. (Ga. L. 1949, p. 977, § 2.)

Sec. 1-1809. Quorum.

A majority of the members of the Savannah-Chatham County Historic Site and Monument Commission shall constitute a quorum for the transaction of business. (Ga. L. 1949, p. 977, § 2.)

Sec. 1-1810. Approval of council required for erection or restoration of monuments.

The Savannah-Chatham County Historic Site and Monument Commission shall have no authority to erect monuments or to make restorations, other than repair to existing historic sites and monuments, without approval by city council, and, whenever it shall think it desirable that any monument be erected, or any substantial restoration made upon any historical site within the jurisdiction of said authority, it shall be the duty of the commission to submit to the council of said city a plan or written description of its proposal, accompanied by an estimate of the costs of the same and such monument shall be erected or restoration made only in the event of the approval by council. (Ga. L. 1949, p. 977, § 2.)

Sec. 1-1811. Estimates and reports required.

The Savannah-Chatham County Historic Site and Monument Commission shall submit to the Mayor of the city, in the month of October of each year or at such other times as he may prescribe, an estimate of the amount of money needed for the work of the commission for the ensuing year and, on or before the first day of January of each year, it shall submit to the Mayor its report showing its acts and doings, together with its receipts and expenditures of money for the preceding year, together with such recommendations as it may see fit to make. (Ga. L. 1949, p. 977, § 2.)

Sec. 1-1812. Rights of Mayor and council committees.

The Mayor of the City of Savannah shall have the right to make such recommendation in writing to the Savannah-Chatham County Historic Site and Monument Commission, from time to time, as he may deem proper; to have free access, at all times, to all records and proceedings, books and papers of said commission; to be present, if

he chooses, at any regular or special meeting of said commission, and shall always receive notice of said meetings at the same time the members of the commission are notified, by notice left at the office of the Mayor in the City Hall, though he will have no vote or other power at said meetings; and any committee of said council, designated by the Mayor, shall at any time have access to the proceedings, books and papers of said commission and the same right of inspection hereinbefore given to the Mayor. (Ga. L. 1949, p. 977, § 2.)

Sec. 1-1813. Acceptance of title to property.

The State of Georgia, County of Chatham or the City of Savannah, now or hereafter owning and holding any property which is a historic site or monument, or which may be necessary, desirable or convenient for the development, operation and/or maintenance of such site or monument, in Chatham County, Georgia, is hereby authorized to grant, convey and deliver such property to the Savannah-Chatham County Historic Site and Monument Commission, with or without compensation, and the said historic site and monument commission is hereby authorized and empowered to accept and hold title and possession of such site, and pay for the same, when required, the fair value therefor. (Ga. L. 1949, p. 977, § 4.)

Chapter 1-19. Savannah District Authority.[5]

Editor's note.—By Acts 1951, p. 190, the name of the Savannah Port Authority was changed to the Savannah District Authority and the powers previously granted the port authority were transferred to the district authority.

The amendment to Article V, § 7, of the Constitution of Georgia, which was ratified at the general election in November, 1952, created a new constitutional authority of the state known as the Savannah District Authoriy. The 1955 state Act which is carried in this chapter (Acts 1955, p. 170) was enacted to implement this constitutional provision and the "constitutional authority" referred to in that Act as it appears in this chapter is the Savannah District Authority.

§ 1-1901. Definitions.
§ 1-1902. Incorporation.
§ 1-1903. Composition.
§ 1-1904. Qualifications of members.
§ 1-1905. Terms of members.
§ 1-1906. Vacancies.
§ 1-1907. Officers.
§ 1-1908. Advisory board.
§ 1-1909. Quorum.
§ 1-1910. Powers generally.
§ 1-1911. Authority to enter into contracts and issue bonds.
§ 1-1912. Members absolved of personal liability; bonds not debt of city.
§ 1-1913. Bonds not within constitutional or statutory debt limit and are tax free.
§ 1-1914. Validation of bonds.
§ 1-1915. Jurisdiction in Chatham County; approval of projects by Georgia Ports Authority.
§ 1-1916. Grant of authority by ordinance.
§ 1-1917. Authority relative to wharves and factory sites.
§ 1-1918. Conveyances from state, county and city.
§ 1-1919. Plan to co-ordinate industrial enterprises, terminal facilities, etc.
§ 1-1920. Effect of issuance of revenue certificates.
§ 1-1921. Act liberally construed.
§ 1-1922. Constitutional construction.
§ 1-1923. Prior acts.
§ 1-1924. Alternative method.

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5. For ordinance provisions relative to the Harbor and Port of Savannah, see Tit. 18.

Sec. 1-1901. Definitions.

(a) As used in this chapter, the words "district authority" shall mean "Savannah District Authority".

(b) The word "project" shall be deemed to mean and include the acquisition of lands, properties and improvements for industrial expansion and development; the improvement of lands and properties for industrial use; construction of industrial and manufacturing plants for the purpose of selling, leasing or renting the same to private persons, firms or corporations, the acquisition and/or construction of wharves, docks and terminals for the purpose of selling, renting or leasing the same to private persons, firms or corporations; the acquirement and construction of roads, highways, bridges, causeways and approaches necessary or incidental to the use and development of facilities acquired; the acquiring or construction of railway, truck and other terminals for the purpose of selling, leasing or renting the same; to acquire by purchase the properties and/or capital stock of public service corporations for the purpose of selling, leasing or renting the same to persons, firms or corporations authorized by law to engage in the conduct of such business or operation; to acquire and operate ship or ships as ferries upon and along the Savannah River and harbor; the acquisition and construction of administrative buildings and other administrative facilities for its own use, in whole or in part; and for the purposes of leasing, renting or selling the same, in whole or in part, to others; as said authority may find necessary or advisable in connection with any of its projects or in the implementation of any plan for the coordinate and orderly development of traffic and industry within the port district under the jurisdiction of said Authority. The Authority shall have the right to operate its projects and may do so when such operation may be deemed by it to be necessary or desirable in aid of its public purposes.

(c) The term "cost of the project" shall embrace the cost of construction, the costs of all lands, properties, easements, rights and franchises acquired, the cost of machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of engineering, architectural and legal expenses, and of plans and specifications and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expense, and such other expense as may be necessary or incident to the financing herein authorized, the construction of any project and placing the same in operation. (Ga. L. 1951, p. 190, § 4; Ga. L. 1956, p. 329, § 2.)

Sec. 1-1902. Incorporation.

The Savannah District Authority is hereby declared to be a body corporate and politic and, as such corporation, shall have perpetual existence, with full power and authority to have and use a common seal, to sue and to be sued, to incur debts, liabilities and obligations, to exercise the right of eminent domain, to purchase, acquire by gift, construct, lease and/or operate any terminal or transportation facility within or without the corporate limits of the City of Savannah, in Chatham County, Georgia, to make charges for the use thereof, and for any of such purposes to own, hold, lease, and/or operate real or personal property, and to do all acts and exercise all powers authorized by and subject to the provisions of said constitutional amendment, of said ordinance of the Mayor and Aldermen of the City of Savannah, and of this Act.

The Savannah District Authority shall be deemed to be an instrumentality of the State of Georgia and a public corporation and, by that name, style and title said body may contract and be contracted with, sue and be sued, plead and be impleaded, and complain and defend in all courts of law and equity. (Ga. L. 1925, pp. 1451, 1464, § 1; Ga. L. 1951, p. 190, § 5.)

Sec. 1-1903. Composition.

The authority shall consist of ten members. The members of said constitutional authority shall be all the members of the nonconstitutional corporation now known as the Savannah District Authority, who are members of said nonconstitutional corporation at the time of the approval of this Act[6] and who are eligible for membership on the constitutional authority under the provisions for eligibility of the members of the constitutional authority as hereinafter provided. (Ga. L. 1951, p. 190, § 5; Ga. L. 1955, p. 170, § 1.)

Sec. 1-1904. Qualifications of members.

The members of the constitutional authority shall be citizens of the State of Georgia and residents of Chatham County. No person shall be eligible for membership on the constitutional authority who,

6. February 11, 1955.

at the time of the approval of this Act[7] or at any time within one year prior to the approval of this Act, holds or shall have held any remunerative public office or position or any employment for compensation, except as an independent contractor, with the United States, the State of Georgia or any political subdivision of either; and no future member, at the time of his appointment nor within one year prior thereto, nor during his term of membership, shall hold any such office, position or employment. (Ga. L. 1955, p. 170, § 2.)

Sec. 1-1905. Terms of members.

Said members [of the district authority] shall serve for a period of five years. (Ga. L. 1951, p. 190, § 5.)

Sec. 1-1906. Vacancies.

Any person appointed to fill a vacancy shall serve only for the unexpired term, and any member otherwise qualified hereunder shall be eligible for reappointment. The expiration dates of the terms as they now exist in the nonconstitutional corporation shall be the expiration dates of the same terms as they shall be and hereby are transferred to the constitutional authority created by the aforesaid provision of the constitution, and the members now filling those terms on the nonconstitutional corporation, who are eligible to do so under the provisions of this Act, shall continue to fill those same terms on the constitutional authority created as aforesaid. Following the passage of this Act, the first three vacancies, however occurring, in membership on the constitutional authority shall be filled in the following order, and when more than one vacancy shall occur at the same time, the vacancy leaving the longest unexpired term, if any, shall be deemed to be the first: The first vacancy, however occurring, shall be filled by the Mayor and Aldermen of the City of Savannah. The second vacancy, however occurring, shall be filled by the Savannah District Authority. The third vacancy, however occurring, shall be filled by the Chatham County commissioners. Thereafter, and following the filling of the aforesaid three vacancies, vacancies occurring (1) due to expiration of term, shall be filled in the same rotational order, and vacancies occurring (2) due to death, resignation, or other cause, other than expiration of term, shall be filled for the unexpired term by the body

7. February 11, 1955.

appointing the member creating the vacancy. If any appointing authority shall fail to fill any vacancy to be filled by it within thirty days following the creation of the particular vacancy, then and in that event, such vacancy shall be filled by the Savannah District Authority. (Ga. L. 1955, p. 140, § 3.)

Sec. 1-1907. Officers.

The chairman of the authority shall be the presently[8] serving president of the Savannah Port Authority. The authority as reorganized, shall elect a vice-chairman and a secretary-treasurer and shall elect a chairman, upon the expiration of the term of the chairman assuming office under the terms of this Act. The secretary-treasurer shall not be required to be a member of the authority. (Ga. L. 1951, p. 190, § 5.)

Sec. 1-1908. Advisory board.

The advisory board appointed by the aforementioned appointing authorities[9] is hereby abolished and there shall be no advisory board to the Savannah District Authority, except such board as the Savannah District Authority, itself, may desire to appoint for such terms and purposes as it may designate. Any such advisory board appointed by the Savannah District Authority shall not constitute a group from which new appointments to the Savannah District Authority must be made, but members of such an advisory board shall be eligible for appointment to the authority, if otherwise qualified. (Ga. L. 1955, p. 170, § 5.)

Sec. 1-1909. Quorum.

The ten members holding office as provided for by the terms of this Act shall be the governing body of the Savannah District Authority and any six of said members shall constitute a quorum for the transaction of the business of the authority. (Ga. L. 1951, p. 190, § 7.)

8. The Act from which this section was taken was approved on February 19, 1951.

9. Acts 1951, p. 190, § 5, provided for the appointment of a twelve-man advisory board, four members to be appointed by the city, four by the county and four by the district authority.

Sec. 1-1910. Powers generally.

The district authority shall have the following powers:

1. To have a seal and alter the same at pleasure.

2. To acquire, hold and dispose of personal property, including the stock of other corporations, for its corporate purposes.

3. To acquire in its own name by purchase, on such terms and conditions, and in such manner as it may deem proper or by condemnation in accordance with and subject to the provisions of any and all existing laws applicable to the condemnation of property for public use, real property or liens or easements therein or franchises necessary or convenient for its corporate purposes, excepting such property, liens, easements and franchises used or owned by public service corporations, and to use the same so long as its corporate existence shall continue, and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the district authority; the district authority being under no obligation to accept or pay for any property so acquired except from the funds provided by authority of this Act. Any proceedings for condemnation shall be instituted in the same manner and under the same provisions of law governing condemnation of property for public use as that exercised by counties and municipalities of this state. No property shall be acquired under the provisions hereof upon which any lien or other encumbrance exists, unless, at the time the property is so acquired, a sufficient sum of money be deposited in the registry of the superior court of Chatham County to pay and redeem such lien or encumbrance in full and if the authority shall deem it expedient to construct any project on lands, the title to which shall then be in the County of Chatham or the City of Savannah, the governing authorities of Chatham County and of the City of Savannah are authorized, in their discretion, to convey title to such lands to the authority.

4. To appoint and select officers, agents and employees, including engineering, architectural and construction experts, and attorneys, and to fix their compensation.

5. To make contracts, and to execute all instruments necessary or convenient, including contracts for construction of projects and leases and rentals of projects or sale of projects, or contracts with respect to the use of projects which it causes to be erected or acquired. And the County of Chatham and the City of Savannah are hereby authorized to enter into leases or agreements with the district authority upon such terms and for such purposes as they may deem advisable.

6. To construct, erect, acquire, own, repair, remodel, maintain, extend, improve, equip, operate and manage self-liquidating projects to be located on property owned or leased by the authority, the cost of any such project to be paid from the proceeds of revenue-anticipation certificates of the authority and from any grant from the United States of America, State of Georgia, County of Chatham, City of Savannah, or from any contribution by persons, firms, or corporations, all of which the district authority is hereby authorized to receive and accept.

7. To borrow money for any of its corporate purposes.

8. To exercise any power granted to public or private corporations, performing similar functions which is not in conflict with the constitution and laws of this state.

9. To do all things necessary or convenient to carry out the powers expressly conferred by this Act.

10. Said district authority is authorized and empowered to issue revenue-anticipation certificates under the provisions of the Act of the General Assembly of 1937, (Ga. Laws 1937, pp. 761-774), and as subsequently amended, providing for the issuance of revenue-anticipation certificates.

11. The authority shall have the power to lease, rent, or sell its completed projects to private persons, to partnerships or to corporations, public or private, as the case may be, and expressions to any such effect contained in the said Act, as amended, are to be construed as being in illustration of its powers and not in limitation thereof.

12. Said authority shall have the power to regulate the commerce and traffic of the harbor and port of Savannah in such manners as may in their judgment be best for its maintenance and development. It shall be empowered and it shall be its duty to take charge of and administer the public wharves of the City of Savannah; the construction of new wharves, piers, docks, slips and basins where necessary, and to erect warehouses or sheds thereon; to place and keep the wharves, warehouses, sheds, and approaches in good condition; to maintain sufficient depth of water at said wharves; said authority shall have jurisdiction also over the lighterage and towboat companies operating in the port of Savannah, and shall make rules and regulations governing the services of such companies in said port.

13. All rules and regulations adopted by said authority shall before becoming effective be approved by the Mayor and Aldermen of the City of Savannah, and after being so approved, the said Mayor and Aldermen may provide that said rules and regulations shall have the force and effect of ordinances of the City of Savannah; and said Mayor and Aldermen shall have the power and authority to provide a fine of not more than one hundred ($100.00) dollars, and a penalty of not more than thirty days' imprisonment, either or both, or any part of either or both, for the violation of any such rules and regulations of said authority.

14. The Mayor and Aldermen of the City of Savannah shall annually appropriate such sum or sums of money as it may see fit or deem necessary for the maintenance or support of said authority. The said Mayor and Aldermen of the City of Savannah shall have the right to convey and transfer said authority the title to any and all public wharves, terminals and lands acquired for wharf, dockage, warehouse and factory site purposes on the Savannah River owned by said Mayor and Aldermen of the City of Savannah at the time of the passage of this ordinance, or which may be afterwards acquired by it, and said authority for the city and port of Savannah is hereby authorized and empowered to receive the title to such property and to own the same for the purpose as stated in this ordinance.

15. Said authority shall have the right to make such rules and regulations for the harbor and port of Savannah as they may deem proper. They shall also have the right to establish harbor lines in the Savannah River between such points in Chatham County as they may deem proper, and to enact rules and regulations for persons building or erecting structures of any character in said river on either side thereof within the city limits.

16. Whenever any person or persons shall desire to construct, extend or alter any wharf or pier, or to erect, extend, alter or improve any other harbor structure into or on the aforesaid river and its navigable tributaries within the city limits, such person or persons shall make application to the authority, stating in writing the nature and extent of such intended wharf, pier, or other harbor structures or buildings in the nature of a wharf, or harbor structures aforesaid; and file in the office of the authority the plans and specifications showing fully the proposed erection, construction, extension, alteration or improvement and produce their deeds, or other evidence of title to the property to be so occupied, altered or improved; whereupon the authority shall give notice of the time

and place of hearing such application, to all parties interested by advertising twice a week for two successive weeks, in two newspapers of general circulation published within the county in which such work is to be done, and by posting notice upon the premises referred to in such applications; it shall give its consent and issue a license for the erection, construction, extension, alteration or improvement for which application shall have been made, and cause the same to be recorded in the office of the authority, in a book to be kept by the said authority for that purpose; and such license shall not be unreasonably withheld.

17. Any person or persons aggrieved by a decision of the said authority granting or refusing in whole or in part, any application for a license to erect, construct, extend, alter, or improve any wharf, pier or bulkhead or other harbor structure, or as to any other thing under this ordinance, may within thirty days after the date of said decision present a petition to the Superior Court of Chatham County, Georgia, setting forth the facts in the case and the ground of petitioner's complaint, and thereupon said court having first caused reasonable notice of the presentation of said petition, and of the time fixed for the hearing thereof, to be given to all persons who may be legally interested therein, shall proceed to hear and determine the subject matter of the said petition; and said court shall make such order in the premises as it may deem legal and proper, and the said order shall be final and conclusive. It shall be lawful for the said court to appoint a Commissioner to take evidence to be used at the said hearing and to make such order for the payment of the costs, by one or more of the parties to the proceedings, as it may see fit and as justice may require.

18. The authority shall make rules for regulating when in port all ships, vessels, and boats plying in the harbor of Savannah and the Savannah River and its navigable tributaries and serving the port and commerce of the City of Savannah, and shall have power to make surveys and soundings, ascertain the capacities of the aforesaid river and its navigable tributaries for commercial purposes, and to prepare plans therefrom, and to keep records thereof. They shall also have power to regulate, fix and establish state, county or city owned property, bulkhead and pierhead lines and a distance between piers, subject to the regulations of the United States Government; to adopt and promulgate rules and regulations for the construction, extension, alteration, improvement and repair of wharves, piers, bulkheads, docks, slips and basins.

19. The authority is hereby authorized, empowered and directed, and it is hereby made its duty to charge and collect for the use of all terminal facilities administered by them and for any and all services rendered by such terminal, terminal facilities and by the authority, such fees, rate, tariffs, or other charges as may be established by the authority, and to charge and collect from all ships, vessels and boats entering the harbor and port of Savannah such harbor fees as the said authority may establish and determine. (Ga. L. 1925, p. 1451; Ga. L. 1951, p. 190, § 9; Ga. L. 1956, p. 329, § 3.)

Sec. 1-1911. Authority to enter into contracts and issue bonds.

In order to enable the Savannah District Authority to finance the construction of facilities and to issue bonds pursuant to and as authorized by article seven, section seven, paragraph one of the Constitution of the State of Georgia, with the greatest possible dispatch, in order that such facilities may be leased to ship building plants engaged in the defense program of the United States government, the Savannah District Authority is hereby authorized and empowered, subject to the approval of the Mayor and Aldermen of the City of Savannah, to enter into contracts for the acquisition, purchase and leasing of land and to contract for the construction of facilities, and to issue and dispose of bonds therefor in such manner and containing such terms and conditions as may be agreed upon by the Savannah District Authority, and the contracting party leasing said land, or facilities, or constructing said facilities or purchasing said bonds, and the Savannah District Authority is hereby expressly authorized and empowered to execute and perform all such contracts in accordance with the terms thereof, including particularly the power to sell said bonds for cash, or exchange said bonds for property or services and to construct improvements and contract for the construction of improvements, without regard to restrictions and limitations contained in any law governing municipalities or political subdivisions of the State of Georgia. (Ga. L. 1941, p. 1753, § 1.)

Sec. 1-1912. Members absolved of personal liability; bonds not debt of city.

Neither the members of said district authority nor any person

executing its bonds shall be liable personally on the bonds by reason of the issuance thereof, and the members of the district authority shall not be personally liable for any act or thing done or performed in their official capacities. The bonds and other obligations of said district authority shall not be a debt of the City of Savannah and in no event shall said bonds of said district authority be payable out of any funds or properties other than those of the said district authority specifically pledged to secure the bonds. (Ga. L. 1941, p. 1753, § 2.)

Sec. 1-1913. Bonds not within constitutional or statutory debt limit and are tax free.

The bonds shall not be construed to constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. The bonds of the said district authority being issued for public and governmental purposes shall be exempt from taxes in the same manner and to the same extent as bonds of other governmental bodies. (Ga. L. 1941, p. 1753, § 3.)

Sec. 1-1914. Validation of bonds.

Any bond issued under the authority and provisions of section 1 of this Act or under any other law or constitutional amendment, dealing with the powers of said Savannah District Authority may be validated by Savannah District Authority in the superior court of Chatham County, Georgia, by notifying the solicitor general of the Eastern Judicial Circuit of the fact of a resolution by said Savannah District Authority and of the approval of the Mayor and Aldermen of the City of Savannah of said action, expressing the intention of said Savannah District Authority to issue said bonds or of the issuance thereof, which notice shall be accompanied by a certified copy of the resolution of Savannah District Authority authorizing said bonds. Such service shall be personal. All other proceedings in connection with such validation shall be had in conformity to the general laws of the state providing for validation of bonds by county, municipality or other political division and such validation shall have the same effect as provided by the general law of the state in such cases. (Ga. L. 1941, p. 1753, § 4.)

Sec. 1-1915. Jurisdiction in Chatham County; approval of projects by Georgia Ports Authority.

The scope and jurisdiction of the authority shall extend throughout the County of Chatham, but shall not conflict with or supersede the authority of the Mayor and Aldermen, the county commissioners or the Georgia Ports Authority. The district authority shall not undertake any project for the construction or acquisition of any wharves, docks, piers, quays or similar structures for public use along that portion of the shores or over that portion of the waters of the harbor and port of Savannah which are under the jurisdiction of the Georgia Ports Authority without first notifying the Georgia Ports Authority; and the Georgia Ports Authority shall have the right of refusing to approve such project, and may require, as a prerequisite to its consideration and approval, the submission to it by the district authority of an analysis, in such form as it may prescribe of said project. If the Georgia Ports Authority shall disapprove any such project, after such analysis has been submitted and considered by it, the district authority is prohibited from proceeding therewith. (Ga. L. 1951, p. 190, § 6.)

Sec. 1-1916. Grant of authority by ordinance.

The authority and powers heretofore granted to the Savannah District Authority under and by virtue of an ordinance adopted by the Mayor and Aldermen of the City of Savannah, December 24, 1924, are hereby ratified and confirmed and the Mayor and Aldermen of the City of Savannah is hereby authorized and empowered to grant and delegate to the Savannah District Authority by ordinance expressed, such further and additional lawful authority and powers as the Mayor and Aldermen of the City of Savannah may deem necessary, convenient or desirable in furtherance of the development, operation and maintenance of the port and harbor of Savannah, and the Savannah District Authority is hereby authorized and empowered to exercise and carry out all power, authority and function granted to and delegated to it, or which may hereafter be granted to it by the Mayor and Aldermen of the City of Savannah.

That certain ordinance adopted and approved by the Mayor and Aldermen of the City of Savannah on September 19, 1934, granting certain additional powers to the Savannah District Authority for the harbor and port of Savannah, be and the same is hereby

ratified and confirmed subject to there being added thereto the words "or in any other way" after the word "purchase" and before the word "lands," the said ordinance reading as follows: "In addition to the authority and powers heretofore granted to the Savannah Port Authority under and by virtue of that certain ordinance adopted and approved by the Mayor and Aldermen of the City of Savannah, on December 24, 1924, the said Savannah Port Authority for the harbor and port of Savannah is hereby granted and delegated the following additional authority and powers in furtherance of the development of the harbor and port of Savannah, to-wit: The Savannah Port Authority for the harbor and port of Savannah shall have the right, authority and power with the concurrence of the Mayor and Aldermen of the City of Savannah, to acquire by purchase or in any other way, lands, property, property rights, leases or easements fronting on the Savannah River in the harbor and port of Savannah, or adjacent thereto, in Chatham County, Georgia, for industrial or factory site purposes, and to receive and expend such monies as may be appropriated to it by the Mayor and Aldermen of the City of Savannah from time to time for the purpose of paying for such lands and property so acquired, as well as, for the improvement of such lands and properties. The said Savannah Port Authority shall have the further right and authority, with the advice and approval of the Mayor and Aldermen of the City of Savannah, to lease, or sell or otherwise grant and convey said lands and property in whole or in part to persons, firms and corporations, for factory, manufacturing and/or industrial purposes, and/or for the development of the Port of Savannah." (Ga. L. 1925, pp. 1451, 1465, § 2; Ga. L. 1935, p. 1171, § 8.)

Sec. 1-1917. Authority relative to wharves and factory sites.

The Mayor and Aldermen of the City of Savannah is hereby authorized and empowered to grant and delegate to the Savannah District Authority the following additional rights, powers and privileges:

A. To acquire by purchase, deed of gift or in any other way lands for wharf and factory site purposes with the approval of the Mayor and Aldermen of the City of Savannah. To lease, with the right to sub-lease for a nominal consideration and upon such terms as to said Savannah District Authority may seem fit and proper, for a term of years, any and all real estate, improved or unimproved, ac-

quired by said Savannah District Authority for wharf or factory site or other purposes incident to the development of the resources of the port of Savannah and its contiguous territory and its trade incident thereto; such lease or leases, however, to be subject to the approval of the Mayor and Aldermen of the City of Savannah.

B. To execute, with the said approval of the Mayor and Aldermen of the City of Savannah, valid options of purchase and of sale and to sell upon such terms as said Savannah District Authority may deem proper, any or all of the land acquired by said Savannah District Authority for the purposes aforesaid.

C. To build, construct and erect factories or plants and factory buildings on lands acquired by said Savannah District Authority, and to equip the same for use in developing the port of Savannah, with the consent of the said Mayor and Aldermen of the City of Savannah.

D. With the consent and approval of the said Mayor and Aldermen of the City of Savannah, to issue notes, bonds without limit as to amount and other obligations of the said Savannah District Authority, secured by mortgage, security deed or other indenture on all or any part of the property now held or hereafter acquired by said Savannah District Authority, for the development of wharf, factory site or other purposes incident to the development of the resources of the harbor and port of Savannah. (Ga. L. 1935, p. 1171, § 9.)

Sec. 1-1918. Conveyances from state, county and city.

The State of Georgia, County of Chatham or the City of Savannah, now or hereafter owning and holding any property necessary, desirable or convenient for the development, operation and maintenance of the port and harbor of the City of Savannah, in Chatham County, Georgia, is hereby authorized to grant, convey and deliver such property to the Savannah District Authority with or without compensation, and the Savannah District Authority is hereby authorized and empowered to accept and hold the title and possession of such property, and pay for same, when required, the fair value therefor.

If the district authority shall deem it expedient to construct, operate or continue to operate any project heretofore acquired, or which it may seek to acquire, from the City of Savannah, Georgia, the Mayor and Aldermen of said city are hereby authorized to make such conveyance to the authority absolute, or to confirm as absolute any conveyance heretofore made to said authority, and, by appropriate resolution, to release and relieve said authority in whole or in part from the necessity of securing any concurrence, approval or ratification of its acts and doings with regard thereto. (Ga. L. 1925, pp. 1451, 1465, § 3; Ga. L. 1951, p. 190, § 11.)

Sec. 1-1919. Plan to co-ordinate industrial enterprises, terminal facilities, etc.

Said authority is authorized to submit a plan or plans to the governing body of the County of Chatham and/or the City of Savannah to provide that existing and proposed industrial enterprises; that existing and proposed terminal facilities; that existing and proposed highway, harbor and rail traffic; all be co-ordinated to the best possible advantage in order to encourage industrial growth and expansion, to relieve traffic congestion and to make more accessible all facilities located within the territory of the district authority.

Upon the adoption thereof by the governing authority of either the County of Chatham and/or the City of Savannah, said county and/or city is authorized and empowered to delegate, and the Savannah District Authority is authorized and empowered to accept and use delegations of administrative powers to carry said plan or plans into effect. (Ga. L. 1951, p. 190, § 10; Ga. L. 1956, p. 329, § 1.)

Sec. 1-1920. Effect of issuance of revenue certificates.

Within the City of Savannah and the County of Chatham, revenue certificates issued under provisions of this Act and the Revenue Certificate Act of 1937 shall not be deemed to constitute a debt of the State of Georgia, County of Chatham, City of Savannah, and shall not be a pledge of the faith and credit of the state, county or city. And the issuance of such certificates shall be payable from the earnings of the project or projects for which issued and the issuance of such certificates shall not directly or indirectly or contingently obligate the state, the county or city to levy or pledge any form of taxation whatever therefor or to make any appropriation for their payment. Neither the state, the County of Chatham, the City of Savannah, or the authority shall be obligated to pay the principal or the interest on such revenue certificates, except from earnings of the project or projects for which they were issued, and

each such certificate shall contain on its face recitals covering the foregoing provisions. (Ga. L. 1951, p. 190, § 8.)

Sec. 1-1921. Act liberally construed.

This act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes hereof. (Ga. L. 1956, p. 329, § 4.)

Sec. 1-1922. Constitutional construction.

The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not effect or impair any of the remaining provisions. (Ga. L. 1956, p. 329, § 5.)

Sec. 1-1923. Prior acts.

The said authority shall have and exercise all powers and authority heretofore delegated to it by the City of Savannah or which may be delegated to it by said city under this Act, and under prior Acts where not inconsistent with the provisions of this Act. (Ga. L. 1956, p. 329, § 6.)

Sec. 1-1924. Alternative method.

The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred upon said authority by other laws. (Ga. L. 1956, p. 329, § 7.)

Chapter 1-20. Savannah River Bridge Commission.

§ 1-2001. Authority to create; purpose.
§ 1-2002. Composition generally; appointment and terms of members.
§ 1-2003. Mayor to be ex officio member.
§ 1-2004. Aldermen as members.
§ 1-2005. Officers, employees, etc.
§ 1-2006. Location and financing of bridges and causeways.
§ 1-2007. To be separate from council committees; delegation of legislative authority.

Sec. 1-2001. Authority to create; purpose.

The Mayor and Aldermen of the City of Savannah [shall] be authorized and empowered to provide by ordinance for the creation of a Savannah River Bridge Commission to administer the location, financing, construction, improvement, maintenance and operation of two municipally-owned river bridges of the City of Savannah: (1) To cross the Savannah River at a location east of Bull Street in the City of Savannah; (2) To cross the Back Savannah River and to locate, construct, maintain, improve and operate streets and causeways leading to and including the approaches of each of said bridges. (Ga. L. 1949, p. 925, § 1.)

Sec. 1-2002. Composition generally; appointment and terms of members.

The personnel of the Savannah River Bridge Commission shall consist of five members, each of whom, after the members first appointed, shall serve for a term of five years. The Mayor of the City of Savannah, with the approval of the Board of Aldermen of Savannah, shall appoint the first five members of the commission by denominating:

For one member a term of 1 year expiring January 1, 1950;
For one member a term of 2 years expiring January 1, 1951;
For one member a term of 3 years expiring January 1, 1952;
For one member a term of 4 years expiring January 1, 1953;
For one member a term of 5 years expiring January 1, 1954.

Their successors shall each be likewise appointed and shall serve for a term of five years, so that one member of said commission shall be appointed each calendar year. In the event of a vacancy in office as to any member of the board [commission], the Mayor shall appoint, subject to the approval of the Board of

Aldermen, a successor to fill such vacancy for a term identical with that of the member whom he may succeed. (Ga. L. 1949, p. 925, § 1.)

Sec. 1-2003. Mayor to be ex officio member.

The Mayor or acting Mayor shall at all times be an ex officio member of the Savannah River Bridge Commission. (Ga. L. 1949, p. 925, § 3.)

Sec. 1-2004. Aldermen as members.

Any member of the Board of Aldermen is eligible for appointment to the Savannah River Bridge Commission; provided however, that such member shall not be entitled to any compensation as a member thereof. (Ga. L. 1949, p. 925, § 5.)

Sec. 1-2005. Officers, employees, etc.

Subject to the approval and confirmation of the Board of Aldermen, the Mayor shall name a chairman and secretary of the Savannah River Bridge Commission, such person or persons to render said commission necessary technical or professional services, and a full time manager or assistant manager, and shall prescribe by ordinance, their duties and compensation, the type of employees, the number of employees and the compensation of employees in said work, and shall prescribe by ordinance the duties and compensation governing said commission and governing said river bridges and causeways to be so constructed. (Ga. L. 1949, p. 925, § 3.)

Sec. 1-2006. Location and financing of bridges and causeways.

The location of each bridge and causeways leading to the same shall be selected by the Savannah River Bridge Commission, with the approval of the Mayor and Aldermen of the City of Savannah, and shall form a part of a highway from the State of Georgia into the State of South Carolina, with authority to said commission to charge tolls for the use of such bridges and causeways. The said commission, in the financing of the construction, improvement, maintenance and operation of said bridges and causeways, shall issue negotiable securities under the Revenue Anticipation Act of 1937. (Ga. L. 1949, p. 925, § 2.)

Sec. 1-2007. To be separate from council committees; delegation of legislative authority.

The Savannah River Bridge Commission shall be separate and distinct from any other committee of council, which may have heretofore exercised or which may now exercise authority over any Savannah River bridge or approaches leading thereto, and there shall be no delegation of legislative authority from the Mayor and Aldermen of the City of Savannah to said commission and the Mayor and Aldermen of the City of Savannah are expressly authorized and empowered to provide by ordinance for all lawful things to be done, which may be necessary or incidental to the financing, locating, constructing, maintaining, improving and operating of said bridges and causeways leading to the approaches of each of said bridges. (Ga. L. 1949, p. 925, § 4.)

Chapter 1-21. Sewers.[1]

§ 1-2101. Authority to establish drainage system generally.
§ 1-2102. Jurisdiction of city over soil pipes, private sewers, etc.
§ 1-2103. Authority to construct system of primary drains.
§ 1-2104. Condemnation of property for drainage purposes.
§ 1-2105. Duty to furnish sewerage service in all parts of city.
§ 1-2106. Cross drains and main trunk outlets.
§ 1-2107. Apportionment of drain construction costs.
§ 1-2108. Drain-flushing facilities; abolition of privies.
§ 1-2109. Acceptance by city of privately-built drains.
§ 1-2110. Notice of drain construction; property owner's right of appeal.
§ 1-2111. "T's" to be supplied for each lot; owners to make connections.
§ 1-2112. Repairs to be made by city.
§ 1-2113. Extensions beyond city limits.
§ 1-2114. Collection of assessments.

Sec. 1-2101. Authority to establish drainage system generally.

The said Mayor and Aldermen shall have power to establish a complete system of drainage in and around the said city, for the health and comfort of its inhabitants. When the Mayor and Aldermen shall take and use any private canal or portion of canal as a part of such drainage system, the said city shall be compelled to

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1. For ordinance provisions relative to sewers and sewage disposal, see Tit. 37.

keep the same opened and in such order as to protect the proprietors of adjacent lands. (Code of Ga. 1873, § 4854.)

Sec. 1-2102. Jurisdiction of city over soil pipes, private sewers, etc.

The said Mayor and Aldermen shall have entire and absolute control and jurisdiction of all soil pipes, private drains and sewers, water closets, privies, privy vaults and dry wells in said city, with full power to prescribe their location, structure, uses and preservation, and to make such regulations concerning them in all particulars, as may seem best for the preservation of the health of the inhabitants of said city, and with power, also, to require changes in, or the total discontinuance of, any such contrivances and structures already in existence, or that may hereafter be allowed.

Sec. 1-2103. Authority to construct system of primary drains.

The Mayor and Aldermen of the City of Savannah are authorized and empowered, for sanitary purposes or upon the application of the owners of a majority of the lots abutting on any street or lane, or portion thereof, through which such desired or necessary primary drain may run, to lay down and construct, under such regulations as they may prescribe, a system of primary drains for the special purpose of house draining, and to apportion and assess the cost of the same upon the owners of the lots abutting on the lines of the streets and lanes or portions thereof through which said drains are laid in ratio and manner as hereinafter provided in this chapter. (Ga. L. 1884-85, p. 294, § 1.)

Sec. 1-2104. Condemnation of property for drainage purposes.

The Mayor and Aldermen of the City of Savannah, a municipal corporation of this state, is hereby authorized and empowered to condemn property for drainage purposes within the corporate or jurisdictional limits of the City of Savannah, and to pay the owner or owners of said property the damages incident to the said condemnation. The said municipal corporation shall proceed in condemning property for the said drainage purposes under the terms and provisions of an Act of the Legislature of this State, approved December 18, 1894, entitled "An Act to provide for a uniform method of exercising the right of condemning, taking or damaging private property," and to be found on pages 95, 96, 97, 98, 99 and 100 of the volume containing the published laws for the year 1894. The fact that the property sought to be condemned for drainage purposes may be owned or used by a railroad or other corporation shall be no bar to the exercise of the right of condemnation hereby conferred. (Ga. L. 1898, p. 263, § 1.)

Sec. 1-2105. Duty to furnish sewerage service in all parts of city.[2]

The Mayor and Aldermen of the City of Savannah shall provide sanitary sewerage service and storm sewerage service in all parts of the corporate limits of the City of Savannah on an equal basis. (Ga. L. 1951, p. 2294, § 5.)

Sec. 1-2106. Cross drains and main trunk outlets.

Wherever, in the judgment of said Mayor and Aldermen, the larger drains or sewers now existing in said city can be made to subserve the purposes of cross drains or main trunk outlets for the discharge of the overflow from said primary drains, they shall be so used, but if the said Mayor and Aldermen shall find that it is inexpedient or inadvisable to use said existing sewers, or any portion of them, as cross drains or main trunk outlets for the discharge of the overflow from said primary drains, whether because of their location, grade, structure or want of adaptation to said purposes of house drainage, it shall be lawful for said Mayor and Aldermen, and they are hereby further authorized and empowered to lay down and construct on such lines and cross lines, and through such streets or lanes, or any portion of them as they may determine upon, such larger cross drains and main trunk outlets as may be necessary for the reception and transmission of the outflow from said primary drains, or from any portion of them, immediately receiving the discharges from the premises abutting along their lines, and when such larger cross drains or main trunk outlets are used, both as primary drains for the immediate reception of the outflow from the premises abutting along their lines, and as cross drains or main trunk outlets for tributary primary drains, so much of their cost as shall be equal to the expense of constructing primary drains of

2. As to authority to collect property ad valorem taxes when sewerage services have been provided, see § 1-2408.

similar length along the same lines, shall be assessed upon the owners of the lots abutting along their lines, and the excess of cost of said larger drains over and above the cost of constructing primary drains of similar length on the same lines shall be charged to said corporation. (Ga. L. 1884-85, p. 294, § 2.)

Sec. 1-2107. Apportionment of drain construction costs.

The ratio which the breadth or face of any lot abutting on the line of any such drain bears to the length of such drain on said line shall be the ratio of computation of the amount to be assessed upon the owner of such lot as his pro rata of expense in the construction of such drain, it being understood that the total cost of construction of a primary drain shall be divided beween the owners of the lots abutting on both sides of the street or lane, or portion thereof, through which said primary drain shall have been constructed; provided, that when a primary drain lies abreast of one front of any lot, and a cross or trunk drain shall be constructed along another front of the same lot, no assessment shall be made upon said lot except for its pro rata apportionment of the cost of such primary drain; and provided further, that in the case of said larger cross drains or main trunk outlets, such assessments shall be distributed between the lot owners and the corporation as provided for in the preceding section. (Ga. L. 1884-85, p. 294, § 3.)

Sec. 1-2108. Drain-flushing facilities; abolition of privies.

Whenever such drain is constructed along the line of any street or lane, it shall be supplied with a means of flushing at necessary intervals, independent of and in addition to the fluids pouring into it from connecting house pipes, and when these sanitary provisions are perfected, and the outflow through said larger cross drains and main trunk outlets provided for, it may and shall be lawful for said Mayor and Aldermen to require the abolition of all privies and dry wells attached to premises tributary thereto.

Whenever any such drain or drains shall have been fully completed, as provided for in this section, and the said Mayor and Aldermen shall have given notice to the owner or owners of the lots abutting along its or their line or lines, requiring him or them to abolish the privies and dry wells on or attached to his or their said premises tributary to said so completed drain or drains, a failure or neglect of the said owner or owners to comply with the requirements of said notice within thirty days after the service thereof

shall subject such owner or owners to all the penalties prescribed by law for creating or maintaining nuisances; provided, that such notice or requirement may be served on the agent of such owner or owners as may be nonresident or absent. (Ga. L. 1884-85, p. 294, §§ 4, 10.)

Sec. 1-2109. Acceptance by city of privately-built drains.

Wherever the owners of the lots abutting any street or lane, or portion thereof, having previously constructed, at their own expense, primary drains of sufficient capacity for the purpose of house drainage, and desire to have such drains received as a part of the general system where their location, grade, structure and capacity are in harmony therewith, or to have them relaid in a proper location and grade when otherwise suitable, so as to secure the benefits provided for the general system in the preceding section, it shall be lawful for said Mayor and Alderman to accept such piping on such terms and conditions as shall be just and reasonable, and when necessary to relay said lines in harmony with the general system. (Ga. L. 1884-85, p. 294, § 5.)

Sec. 1-2110. Notice of drain construction; property owner's right of appeal.

Whenever the said Mayor and Aldermen shall deem it necessary to construct a primary or cross or trunk drain of the character referred to in the previous sections of this chapter, for sanitary purposes, notice of such intended work shall be given to the owners of the lots abutting on the street or lane through which said drain is intended to be run, and said owners of said lots abutting on said street or lane shall have a right of appeal to said Mayor and Aldermen against the execution of said intended work; and said Mayor and Aldermen, after hearing the objections thereto presented by said owners of said lots abutting on said street or lane, or portion thereof, through which it is deemed necessary to construct said drain for sanitary purposes, shall render final decision as to whether, for the time being, such drain shall be laid and constructed or not. (Ga. L. 1884-85, p. 294, § 6.)

Sec. 1-2111. "T's" to be supplied for each lot; owners to make connections.

Whenever such drain is constructed along the lines of any street

or lane, it shall be supplied with at least one "T" opposite each lot, so that connections can be easily made with same from said lots, and no fees for connections with such drain or sewer so laid shall be assessed on the owner of said lot for connecting therewith other than the assessment provided for by this chapter, but each owner of said lots shall perfect their connections at their own individual cost, and shall make the same in such manner as the said Mayor and Aldermen shall prescribe. (Ga. L. 1884-85, p. 294, § 7.)

Sec. 1-2112. Repairs to be made by city.

After the completion of any such drain or drains, sewer or sewers, as provided for in this chapter, it shall be the duty of the Mayor and Aldermen of the City of Savannah to keep the same in repair at its own cost and expense, no part of which shall be assessed upon any of the owners of the lots abutting on said drains or sewers. (Ga. L. 1884-85, p. 294, § 8.)

Sec. 1-2113. Extensions beyond city limits.[3]

The said Mayor and Aldermen of the City of Savannah are further authorized and empowered to build, lay down or extend any of the sewers of said city, either those laid down in pursuance of this chapter or any now existing in said city, to such point or points beyond the corporate limits of said city, as they shall deem best, so as to connect with any canal or canals leading thence to tide water, in order to secure a proper outlet for the accumulated outflow from said system of drainage, and for that purpose to take and use as a right of way for said sewer or sewers, any land, not exceeding thirty feet in width, between the limits of said city from which said extension or extensions shall begin, and the point or points where it or they shall enter into said canal or canals; provided, that before such land shall be so taken and used, the owner or owners thereof shall be notified in writing of the amount and location of the land which it is desired to use, and if such owner or owners and said Mayor and Aldermen cannot or do not agree at once upon the terms and conditions upon which land shall be taken as a right of way as aforesaid, the Mayor of said city shall appoint an assessor, and the owner or owners of such land shall appoint another, and the two so appointed shall appoint a third, or if they cannot or do not agree upon a third within five days of being notified of their election, then the ordinary of Chatham County shall appoint such third assessor, and if the owner or owners of such land does or do not appoint an assessor as aforesaid within five days after he is, or they are, so notified as aforesaid, the said ordinary shall appoint two assessors, and the three assessors so appointed by any of the foregoing methods shall determine and assess the amount of money to be paid by said city for such right of way through the tract of land for which they are appointed, and the decision of any two of such assessors shall be final and binding on the parties, except that in all cases there may be an appeal by either party to the superior court of Chatham County, under the usual rules governing appeals to that court, and the decision rendered in said court shall describe the land as a right of way, and shall fix the amount of money to be paid for the same, and upon the payment of the sum so awarded by the said Mayor and Aldermen, the said payment shall convey an easement in said land so awarded to the said Mayor and Aldermen of the City of Savannah, which shall continue so long as said land shall be used by the said city for the purpose of said sewer or sewers and no longer. (Ga. L. 1884-85, p. 294, § 9.)

3. For ordinance provisions relative to sewerage service beyond the city limits, see §§ 37-501 to 37-508.

Sec. 1-2114. Collection of assessments.

Upon the completion of any such drain and its acceptance by this city, the pro rata assessments upon the owner or owners of the lots abutting along its line or lines, shall be due and payable to the treasurer of said city, which fact shall be advertised in the official paper of the city for at least three days, and if any owner or owners of any such abutting and assessed lots shall fail or refuse to pay said assessment for such improvement for thirty days after the publication of such notice that such work has been finished and accepted by the city, the city treasurer of said city may at once issue an execution against such owner or owners, as for unpaid taxes, and shall give the same to the city marshal of said city, who shall levy the same upon the abutting lot or lots, including the improvements thereon, of the person or persons against whom such execution may have been issued, and shall advertise and sell such property in the same manner and upon the same terms and conditions as are set forth in an Act of the General Assembly of the State of Georgia, entitled "An Act to provide for the manner of tax sales by municipal corporations in this State, and for other purposes," approved February 27, 1877. (Ga. L. 1884-85, p. 294, § 11.)

Chapter 1-22. Streets and Sidewalks.[4]

Article I. In General.

§ 1-2201. Authority to tax and license use of streets and sidewalks generally.
§ 1-2202. Regulation of use of streets for business purposes.
§ 1-2203. Right to charge for erection of poles on streets.
§ 1-2204. Authority to require work on streets; commutation tax generally.
§ 1-2205. Assessment and levy of street or commutation tax.
§ 1-2206. Condemnation of property for street purposes.
§ 1-2207. Sale of streets, lanes, etc., to abutting property owners.
§ 1-2208. Streets may be closed for purpose of erecting municipal buildings.
§ 1-2209. Use of areas beneath sidewalks.
§ 1-2210. Gasoline tanks and filling stations within street and sidewalk lines.
§ 1-2211. Liability of property owners for defective sidewalks.
§ 1-2212. Street curbing.

Article II. Street Improvements.

Division 1. Generally.

§ 1-2213. General authority of Mayor and Aldermen.
§ 1-2214. Authority to renew or repair pavement.
§ 1-2215. Proceedings on executions for pavements, sidewalks or curbings.
§ 1-2216. Making of underground connections before paving.

Division 2. Under 1919 Act.

§ 1-2217. Generally.
§ 1-2218. Duty of railroads.
§ 1-2219. Declaratory resolution; protest; petition.
§ 1-2220. Resolution ordering work; bids.
§ 1-2221. Bonds generally.
§ 1-2222. Investment of perpetuity funds in bonds.
§ 1-2223. Abutting property to be charged with cost.
§ 1-2224. Board of appraisers; assessment and apportionment of costs.
§ 1-2225. Ordinances, rules, etc., to require payment of cost; authority to make water, gas, etc., connections.
§ 1-2226. When assessment installments due.
§ 1-2227. Assessment liens.
§ 1-2228. Collection of assessments.
§ 1-2229. Advancements by city for unpaid assessments.

4. For ordinance provisions relative to streets and sidewalks generally, see Tit. 30.

§ 1-2230. Suits to set aside assessments.
§ 1-2231. Publication of notices.
§ 1-2232. Ownership of abutting property by state or political subdivision.
§ 1-2233. Repaving, redraining, etc.
§ 1-2234. Resurfacing.
§ 1-2235. Right to proceed under existing laws.
§ 1-2236. Duties of chief engineer and assistant chief engineer may be performed by director of public works, city engineer or assistant city engineer.
§ 1-2237. Construction of term "land liable to assessment".

Division 3. Under 1885 Act.

§ 1-2238. Generally.
§ 1-2239. Assessments, ordinance, etc.
§ 1-2240. Equalizing assessments, etc.
§ 1-2241. Lien for assessment.
§ 1-2242. Collection of assessments.

ARTICLE I. IN GENERAL.

Sec. 1-2201. Authority to tax[5] and license use of streets and sidewalks generally.

The Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to assess and levy taxes and licenses for the use of the streets, lanes and sidewalks for business purposes. (Ga. L. 1935, p. 1171, § 4.)

Sec. 1-2202. Regulation of use of streets for business purposes.

The said Mayor and Aldermen shall have full power and authority to regulate the use of the streets of the City of Savannah for business purposes and no person, firm or corporation shall have the right to use the streets of said City of Savannah for business purposes without first having obtained the consent and license of the Mayor and Aldermen of the City of Savannah. (Ga. L. 1915, p. 825, § 3.)

5. For special legislative authority as to taxation generally, see ch. 1-24.

For ordinance provisions relative to taxation, see Tit. 32.

Sec. 1-2203. Right to charge for erection of poles on streets.

The Mayor and Aldermen of the City of Savannah, a municipal corporation of this state, is hereby authorized and empowered to charge telegraph, telephone, railway and light companies erecting their poles on the streets, lanes, public ways or thoroughfares in the City of Savannah reasonable compensation for the use of such streets, lanes, public ways and thoroughfares and to provide for the collection of the said charge. (Ga. L. 1893, p. 307, § 1.)

Sec. 1-2204. Authority to require work on streets; commutation tax generally.

The Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to require each male resident living within the present or the future corporate limits of the City of Savannah, between the ages of twenty-one and sixty years, to work upon the streets of said city, as the said Mayor and Aldermen of the City of Savannah may direct, for as many as three days each year, or in lieu of such work to pay, as a road or street tax, as much as three dollars annually, to be used upon the said streets.

The said Mayor and Aldermen of the City of Savannah are further authorized and empowered to provide for the collection of the said tax by an execution, which may be issued, made and levied as other executions for city taxes, and also for the imprisonment not longer than five days of such residents as fail or refuse, after due notice, to perform the work required, or to pay the said tax, and who do not return a sufficiency of property to pay the said execution. (Ga. L. 1890-91, Vol. II, p. 591, §§ 1, 2.)

Sec. 1-2205. Assessment and levy of street or commutation tax.

The Mayor and Aldermen of the City of Savannah shall have the power and authority to assess and levy the street or commutation tax now authorized to be assessed and levied upon persons residing within the corporate limits of the City of Savannah between the ages of tweny-one and sixty years, also upon persons between said ages who work or labor daily within said corporate limits of said city or which have a fixed occupation therein but who reside without the corporate limits of the said City of Savannah. Provided, however, that persons who reside within other taxing

jurisdictions which require its residents to perform street or road duty or pay a commutation tax in lieu thereof, and who have actually performed such street or road duty or paid a commutation tax equal to that assessed by the City of Savannah, then such persons shall be exempt from the provisions of this section.

The Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to fix, as the penalty for the violation of any ordinance assessing or imposing a street or commutation tax, upon a conviction of any such violation in the police court of Savannah a fine of one hundred dollars, or imprisonment for the space of thirty days, either or both, or any portion of either or both. (Ga. L. 1920, p. 1483, §§ 1, 2; Ga. L. 1921, p. 1075, § 9.)

Sec. 1-2206. Condemnation of property for street purposes.

The Mayor and Aldermen of the City of Savannah, a municipal corporation of this state, is hereby authorized and empowered to condemn property for the purpose of widening, extending or straightening any street, lane, way or square in the City of Savannah, or opening, laying out and establishing any new street, lane, way or square within the limits of said city, and to pay damages to the owner or owners of said property incident to the said condemnation. The said municipal corporation shall proceed in condemning property for the purposes mentioned under the terms and provisions of an Act of the Legislature of this state, approved December 18, 1894, entitled: "An Act to provide for a uniform method of exercising the right of condemning, taking or damaging private property," and to be found on pages 95, 96, 97, 98, 99 and 100 of the volume containing the published laws for the year of 1894. The fact that the property needed by the said municipal corporation for the purposes mentioned may be owned or used by a railroad or other corporation shall be no bar to the exercise of the right of condemnation hereby conferred. (Ga. L. 1895, p. 316, § 1.)

Sec. 1-2207. Sale of streets, lanes, etc., to abutting property owners.

The Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to sell to abutting property owners, for such compensation as may to the Mayor and Aldermen of the City of Savannah seem reasonable and just, such streets, lanes, alleys and/or ways as do not conform to the plan of the City of Savannah

as originally laid out, or as extended; or which are obsolete as streets, lanes, alleys, and/or ways, or which no longer serve the particular purpose for which the particular street, lane, alley and/or way was originally established. No action by the Mayor and Aldermen of the City of Savannah in connection with the foregoing shall be binding on said city unless two-thirds of the Aldermen present vote in the affirmative. (Ga. L. 1927, p. 1537, § 1.)

Sec. 1-2208. Streets may be closed for purpose of erecting municipal buildings.

The Mayor and Aldermen shall have power and authority to close any portion of a street or streets when necessary for the purpose of erecting an auditorium or other municipal building. (Ga. L. 1915, p. 825, § 5.)

Sec. 1-2209. Use of areas beneath sidewalks.[6]

The Mayor and Aldermen of the City of Savannah are hereby empowered to authorize and permit areas of land under sidewalks, from property line to curb line, in the City of Savannah, Georgia, to be excavated and used by owners of abutting real estate for such purposes, under such terms, conditions and regulations and upon such considerations as may be prescribed by the city council of Savannah. (Ga. L. 1906, p. 1039, § 1.)

Sec. 1-2210. Gasoline tanks and filling stations within street and sidewalk lines.

It shall be unlawful and illegal for the Mayor and Aldermen of the City of Savannah or any department of the city to permit the placing of gasoline or oil tanks or filling stations within the street or sidewalk lines of any of the streets or sidewalks of said city, but all such tanks or filling stations in operation at the time of the approval of this Act[7] may be continued in the discretion of the Mayor and Aldermen of said city. Upon the discontinuance of any such tanks or filling stations now being used, located within the street or sidewalk lines, the said authorities of said City of Savannah shall require the same to be immediately removed, and no permission

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6. For ordinance provisions relative to fuel oil tanks beneath areas contained within street lines, see § 30-105 et seq.

7. August 1, 1924.

shall be granted to relocate such tanks or filling stations on the streets or sidewalks. (Ga. L. 1924, p. 683, § 9.)

Sec. 1-2211. Liability of property owners for defective sidewalks.

The owner of any lot or tract of land within the corporate limits of the City of Savannah shall be primarily liable to any person injured by reason of any defect in or obstruction on the sidewalk bordering his property whenever the defect or obstruction is caused by the owner or person in possession, or wherever the defect is not caused by the owner or person in possession, but such defect has been previously brought to the attention of the owner, his agent or the person in possession of said property, or where such defect remains unrepaired for such a period of time as would make the city liable; and whenever the Mayor and Aldermen of the City of Savannah are sued in such cases they shall vouch into court the owner of such property, and said owner shall be liable to the city for the amount of judgment obtained in such suit against the city. (Ga. L. 1914, p. 1178, § 5.)

Sec. 1-2212. Street curbing.

The said Mayor and Aldermen shall have power and authority to order the laying of such street curbing as they may deem proper and, upon the failure of any person to comply with such order within the time prescribed, the said Mayor and Aldermen may have the curbing laid at the expense of the adjoining property owner, and levy and collect the expenses thereof by execution against the lands, goods and chattels of the owner of the adjoining property, whether holding the same under leasehold title from the city or by title otherwise derived, and the same shall be a lien upon the said adjoining property and, when recorded in the general execution docket of Chatham County, Georgia, shall be a lien upon all of the property of defendant in execution. (Ga. L. 1918, p. 887, § 4.)

ARTICLE II. STREET IMPROVEMENTS.

Division 1. Generally.

Sec. 1-2213. General authority of Mayor and Aldermen.

The Mayor and Aldermen of the City of Savannah shall have full power and authority to grade, pave, macadamize or otherwise im-

prove any portion of the width of any street in said city, and to assess two-thirds of the cost of such paving, grading, macadamizing and otherwise improving on the real estate abutting on each side of the street or lane improved, a railroad company now having or which may hereafter have, tracks running through the streets of said city so improved being required to macadamize or otherwise pave, as the said Mayor and Aldermen of the City of Savannah may direct, the width of its track and two feet on each side of every line of track.

The Mayor and Aldermen of the City of Savannah shall have full power and authority, by a vote of two-thirds of the said Mayor and Aldermen elected to council (the Mayor being entitled to vote), to adopt at any time an ordinance requiring the grading, paving, macadamizing or otherwise improving for travel or drainage, any of the streets or lanes of said city, and to assess two-thirds of the cost of such paving, grading, macadamizing and otherwise improving on the real estate abutting on each side of the street or lane improved—a railroad company now having or which may hereafter have, tracks running through the streets of said city so improved being required to macadamize or otherwise pave, as the said Mayor and Aldermen of the City of Savannah may direct, the width of its track and two feet on each side of every line of track now constructed, or that may hereafter be constructed by such railroad company. (Ga. L. 1910, p. 1142, §§ 1, 2.)

Sec. 1-2214. Authority to renew or repair pavement.

The Mayor and Aldermen of the City of Savannah shall have full power and authority to renew or repair any pavement now laid or that may hereafter be laid, in the City of Savannah, at the expense of said city and of the owners of real estate abutting on such streets, and of a street railroad now traversing, or which may hereafter traverse, streets in which the pavements to be renewed or repaired are laid, one-third the expenses of such renewal or repair to be borne by the city, the other two-thirds to be borne by the owners of real estate abutting on such streets—the street railroad traversing such street being required to renew or repair the width of its track and two feet on each side of every line of track. (Ga. L. 1887, p. 537, § 4.)

Sec. 1-2215. Proceedings on executions for pavements, sidewalks or curbings.

Whenever an execution shall issue against any property or any party for the costs of laying pavements, sidewalks or curbings, the same may be levied by the marshal of the City of Savannah or his deputy upon the adjoining real estate, and upon other property of the defendant in execution and after advertisement and other proceedings, as in case of sales for city taxes; the same may be sold at public outcry to the highest bidder, and such sales shall vest an absolute title in the purchaser; provided, that the defendant shall have the right to file an affidavit denying that the whole or any part of the amount for which the execution issued is due and stating what amount he admits to be due, which amount so admitted to be due shall be paid or collected before the affidavit is received, and the affidavit received for the balance; all affidavits shall set out in detail the reasons why the affiant claims the amount is not due, and when received by the city marshal shall be returned to the municipal court if the amount contested is one hundred dollars or under, and to the superior court of Chatham County if the amount contested is over one hundred dollars, and there tried and the issue determined as in cases of illegality for delay. In case a third person claims the property levied upon, such third person shall file with the city marshal a claim affidavit and bond or pauper affidavit, as now provided by law in claim cases, and if the amount of the execution is one hundred dollars or under, the said execution, with the claim affidavit and bond, or pauper affidavit, as the case may be, shall be returned to the municipal court of Savannah, and if the execution is for a sum over one hundred dollars, the same shall be returned to the superior court of Chatham County, and there tried and the issue determined, as in claim cases of claims filed for the purpose of delay. (Ga. L. 1918, p. 887, § 5.)

Sec. 1-2216. Making of underground connections before paving.

A. When any street, lane or other highway in the City of Savannah is to be paved, notice shall be served by the city marshal upon the owner or owners or agents of owners of the adjoining property that all gas, water, sewerage, conduits and other underground connections must be made to the curb line before said paving is laid and, in the event of the refusal or failure of any such property owner to make such connections, he may be prohibited from making

any underground connections which would require the tearing up of paving for a period of five years, except under penalties the city, by ordinance, may impose, or the Mayor and Aldermen of the city shall. If said work is not done within twenty days after the service of such notice, the Mayor and Aldermen are empowered, and have the right to, and may make such gas, water, sewerage, conduits, or other connections as in their judgment would be necessary to keep the paving from being torn up, said connections to be run to the curb line, without further notice to the owner of said adjoining lots, at the cost and expense of such owner, and to issue execution against such owner for such amount as it may cost them to do such work, with costs, which execution shall be issued, levied, returned and directed as tax executions against owners of returned property in said city; and further proceedings on said execution as to advertising and selling of said property shall be the same as in the case of advertisement and sale of tax executions of the city.

B. It is further provided, that the Mayor and Aldermen of the City of Savannah shall have full power and authority to direct and have installed and to make all lead connections that shall in their judgment be necessary to the city water mains, and that shall in their judgment be necessary to prevent the paving which should be placed on any street from being torn up; and further, that they shall have authority to do the same with or without notice to the owner or owners of the adjoining lots, same to be done at the expense of such owners, and to issue executions against said owners for such amount as may cost them to do such work, with the costs, which executions shall be issued in connection with the foregoing execution outlined in paragraph A of this section, or to be issued separately under the same conditions as executions are issued in paragraph A of this section. For these purposes, the person returning and claiming said lots for city taxes shall be regarded and taken to be the owner thereof, and if two or more persons make returns of and claim to own the same lot, the city authorities may proceed against all or either of them, and leave to them the settlement of the question as to who in fact is owner and liable, for all or either of them shall be liable, as between them and said city authorities, to do said work in the first instance, and for the cost of doing it by said authorities, as aforesaid, in the second instance. And where no person or persons returns or claims such property in front or adjoining which paving is to be laid for sidewalks or street purposes, to which property said gas, water, sewerage, con-

duits or other underground connections should be made, then no notice shall be given, but the Mayor and Aldermen shall, upon notification to them by the said marshal that no owner appears of record in the tax assessor's office, proceed at once to do such work, and then issue execution or executions for the amount of same and costs against the property, as tax executions are now issued against nonreturnable property. This section of this Act shall in no wise repeal or impair any Act heretofore passes by the General Assembly of the State of Georgia, and particularly the Act passed by the General Assembly of the State of Georgia, and approved August 17, 1914, and found in Georgia Laws of 1914, page 1179, or any ordinance of the City of Savannah; but same shall be in addition thereto. (Ga. L. 1927, p. 1526, § 3.)

Division 2. Under 1919 Act.

Sec. 1-2217. Generally.

The Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to establish and change the grade of any streets, avenues, alleys, lanes and other public places in the City of Savannah, and to improve the same by paving, macadamizing and draining the same whenever, in its judgment, the public convenience and welfare may require such improvements, subject only to the limitation prescribed in this Act. (Ga. L. 1919, p. 1294, § 10.)

Sec. 1-2218. Duty of railroads.

Any street or steam railroad now having or which may hereafter have tracks running through the streets, avenues, lanes or alleys of said city or other public places, shall be required by said Mayor and Aldermen to pave, macadamize and drain the width of its track and two feet on each side of every line of track now constructed or that may hereafter be constructed by such railroad company, under such rules, plans and specifications as said Mayor and Aldermen shall specify. And if such railroad company shall fail or refuse to comply with the order of said Mayor and Aldermen to make such improvements by paving, macadamizing and draining the same after receiving thirty days' notice to do said work, such work may be done by said Mayor and Aldermen at the cost and expense of such railroad company and such cost and expense shall be charged against such railroad company, and the

Mayor and Aldermen of the City of Savannah shall be entitled to a lien for the full amount of such cost and expense against the property of such railroad company which may be enforced against such property as hereinafter provided for the enforcement of other liens for paving. As the Mayor and Aldermen of the City of Savannah have no charter power to require railroad companies to elevate their tracks so as to give use to streets under their tracks, it is enacted, ordained and declared that the ordinance adopted April 11, 1918, touching the elevation of railroad tracks within the limits of the City of Savannah and for other purposes, is ultra vires null and void, and to remedy this defect it is enacted that the Mayor and Aldermen of the City of Savannah may by agreement with railroad companies, or rail and street railroad companies as to a reasonable share of the cost to be divided between the city and such companies, require and cause such subways and elevations to be erected as may be necessary for the welfare and convenience of the inhabitants of the City of Savannah. Whenever the right of way of any electric or steam railroad in the City of Savannah containing tracks thereon shall extend on either side of a public street, lane or highway so that it adjoins the abutting property and separates the abutting property from such street, lane or public highway, the said right of way of such electric or steam railroad shall be considered for the purpose of paving, macadamizing, draining or improving such street, lane or public highway, or repairing or renewing any pavement already thereon under any paving law or ordinance pertaining to the City of Savannah, as if such right of way and track or tracks were in the middle of the street, and such electric or steam railroad shall be required to pave, drain and improve the said right of way between its tracks and also the full width on either side thereon under the terms of such existing paving laws, and the property of other property owners abutting on said right of way of such railroad shall be considered for the purpose of said paving laws as abutting on such street, lane or public highways. (Ga. L. 1919, p. 1294, § 11; Ga. L. 1920, p. 1483, § 5.)

Sec. 1-2219. Declaratory resolution; protest; petition.

Whenever the said Mayor and Aldermen shall deem it necessary to grade, pave, macadamize, drain or otherwise improve any street, avenue, alley, lane or any part thereof, within the limits of the City of Savannah, said Mayor and Aldermen shall, by resolu-

tion, declare such work or improvement necessary to be done and such resolution shall be published in six consecutive issues of a daily newspaper published and having a general circulation in the City of Savannah and if the owners of more than one-half in area of land liable to assessment to pay for such improvement of any such highway shall not, within fifteen days after the last publication of such resolution, file with the clerk of said city their protest in writing against such improvement, then said Mayor and Aldermen shall have power to cause said improvement to be made and to contract therefor, and to levy assessments as herein provided for. Any number of streets, avenues, alleys, lanes or other public places or parts thereof to be so improved may be included in one resolution, but any protest or objection shall be made as to each street or other highway separately; provided, however, that if the owners of more than one-half in area of the land liable to assessment for any such improvements shall petition the Mayor and Aldermen for such improvements of any street or part of street, alley, lane or avenue, or other public place, describing in such petition the character of the improvement desired, the width of the same, the materials preferred by the petitioners for such improvements, it shall thereupon be the duty of said Mayor and Aldermen to promptly cause the said improvement to be made in accordance with the prayer of said petition, and in such cases the resolution hereinbefore mentioned shall not be required; provided, however, that the kind of material to be used for the proposed paving shall be finally determined by said Mayor and Aldermen. (Ga. L. 1919, p. 1294, § 12.)

Sec. 1-2220. Resolution ordering work; bids.

After the expiration of the time for objection or protest on the part of the property owners, if no sufficient protest be filed or on receipt of a petition for such improvement signed by the owners of more than one-half in area of the land to be assessed, if such petition shall be found to be in the proper form and properly executed, the said Mayor and Aldermen shall adopt a resolution reciting that no such protest has been filed, or the filing of such petition as the case may be, and expressing the determination of said Mayor and Aldermen to proceed with the said improvement, stating the several character of paving materials in the alternative proposed to be used, from which one is later to be accepted on the opening of the bids hereinafter provided, and the manner of con-

struction, and defining the extent, character and width of the improvement, and other such matter as may be necessary to instruct the chief engineer of said city in the performance of his duties in preparing for such improvement the necessary plans, plots, profiles, specifications and estimates. Said resolution shall set forth any such reasonable terms and conditions as said Mayor and Aldermen shall deem proper to include with reference to the letting of the contract and the provisions thereof, and the said Mayor and Aldermen shall, by said resolution, provide that the contractor shall execute to the city a good and sufficient bond in an amount to be stated in such resolution, conditioned for the full and faithful performance of the work and the performance of the contract, and for the protection of the city and all property owners interested, against any loss or damage by reason of the negligent or improper execution of the work, and may require a bond in an amount to be stated in such resolution for the maintenance in good condition of such improvements for a period of not less than five years from the time of its completion, or both, in the discretion of said Mayor and Aldermen. Said resolution shall also direct the chief engineer of said city to advertise for sealed proposals for furnishing the materials and performing the work necessary in making such improvements. The notice of such proposal shall state the street, streets or other public places to be improved, the kind of improvement proposed, what, if any bonds, will be required to be executed by the contractor aforesaid, and shall state the time when and the place where such sealed proposals shall be filed and when and where the same will be considered by said Mayor and Aldermen. Said notice shall be published in ten consecutive issues of a daily newspaper of general circulation in the City of Savannah. At the time and place specified in such notice the Mayor and Aldermen shall examine all bids received, and without unnecessary delay award the contract to the lowest and best bidder who will perform the work and furnish the materials which may be selected and perform all the conditions imposed by the said Mayor and Aldermen as prescribed in said resolution and notice for proposals, which contract shall in no case exceed the estimate of cost submitted by the chief engineer with the plans and specifications, and the said Mayor and Aldermen shall have the right to reject any and all bids and readvertise for other bids when any such bids are not, in its judgment, satisfactory. (Ga. L. 1919, p. 1294, § 15; Ga. L. 1921, p. 1075, § 15.)

Sec. 1-2221. Bonds generally.

The Mayor and Aldermen, after the expiration of thirty days from the passage of said ordinance confirming and levying said assessment, shall, by resolution, provide for the issuance of bonds in the aggregate amount of such assessment remaining unpaid, bearing the date fifteen days after the passage of the ordinance levying the said assessments and of such denominations as the said Mayor and Aldermen shall determine, which bond or bonds shall in no event become a liability of the Mayor and Aldermen of the City of Savannah issuing same. One tenth in amount of any such series of bonds with the interest upon the whole series to that date shall be payable on the fifteenth day of September next succeeding the maturity of the first installment of the assessment and interest, and one tenth thereof with the yearly interest upon the whole amount remaining unpaid shall be payable on the fifteenth day of September in each succeeding year until all shall be paid, such bonds shall bear interest at a rate not exceeding six per cent per annum from their date until maturity, payable annually, and shall be designated as "Street Improvement Bonds," and shall, on the face thereof, recite the street or streets, parts of street or streets or other public places for the improvement of which they have been issued, and that they are payable solely from assessments which have been levied upon the lots and tracts of land benefited by said improvement under authority of this Act. Said bonds shall be signed by the Mayor and attested by the clerk of council and shall have the impression of the corporate seal of such city thereon and shall have interest coupons attached and all bonds issued by authority of this Act shall be payable at such place either within or without the State of Georgia as shall be designated by said Mayor and Aldermen. Said bonds shall be sold at not less than par and the proceeds thereof applied to the payment of the contract price and other expenses by said Mayor and Aldermen of such bonds in the amount that shall be necessary for that purpose may be turned over and delivered to the contractor at par value in payment due him on his contract, and the portion thereof which shall be necessary to pay other expenses incident to and incurred in providing for said improvements shall be sold or otherwise disposed of as the said Mayor and Aldermen shall direct. Said bonds and their interest coupons shall be payable to the bearer or holder thereof. The owner or holder of such bonds shall, however, at his option, have the right to have such bonds registered at the office of the clerk of council of the City of Savannah in a book to be pro-

vided for that purpose, and in such case certificates of registration by said clerk of council shall be endorsed upon issue of said bonds. Whenever any of said bonds are so registered such registered bonds with their interest coupons shall only be payable to the person in whose name they are so registered, and whenever the owner of any such registered bonds shall sell or transfer the same, it shall be the duty of such owner as well as the transferee of such bonds to notify immediately said clerk of council of such sale or transfer with the name and address of the transferee and the said bond or bonds shall be sent to said clerk of council for the proper entries thereon and for the purpose also of having the transfer entered on said registry book. The foregoing provisions shall apply to any series of bonds heretofore issued prior to the adoption and approval of this Act. The said Mayor and Aldermen shall have the right to provide that the bonds authorized in this section be issued substantially in equal annual installments so maturing that the assessments provided for in this Act and collected shall be sufficient to pay the principal and interest of said bonds. And said Mayor and Aldermen shall also have the right to issue said bonds in series, any of which series may include one or more streets or parts of streets or other public places in the discretion of the said Mayor and Aldermen, and it shall not be necessary to have a separate series of bonds for each street or part of street which may be paved under this Act, or for each separate paving contract. Any bonds issued by said Mayor and Aldermen in conformity with the foregoing are hereby ratified and approved. (Ga. L. 1919, p. 1294, § 19; Ga. L. 1920, p. 1483, § 10.)

Sec. 1-2222. Investment of perpetuity funds in bonds.

The Mayor and Aldermen of the City of Savannah shall have the power and authority to provide by ordinance for the investment of any perpetuity fund of said city in the paving bonds issued by said city under the provisions of an Act of the General Assembly of Georgia approved August 18th, 1919, and to this end shall have the right to take over such bonds at par value and appropriate any portion of any such perpetuity fund it may have for the perpetual care and upkeep of cemeteries, lots or cemeteries, or for any other purpose in payment of such paving bonds, and the interest and assessment collected by said city due on said bonds shall be credited to such perpetuity fund or funds. (Ga. L. 1920, p. 1483, § 3.)

Sec. 1-2223. Abutting property to be charged with cost.

The lots, pieces or parcels of land fronting and abutting upon both sides of said improvements shall be charged with cost thereof according to the just pro rata of the entire cost of said improvement for the said frontage; provided, that the frontage of intersecting streets, avenues, lanes or alleys shall be assessed as real estate abutting upon the street, lane, alley or avenue paved or otherwise improved and the said Mayor and Aldermen shall be, for all the intents and purposes of this Act, an owner or legal representative of real estate abutting on any street, lane, alley or avenue, shall possess the same rights and privileges as all other owners of real estate abutting on any such street, lane or avenue, and shall pay from the city treasury the just pro rata of the entire cost of said work or improvement for the said frontage. (Ga. L. 1919, p. 1294, § 13.)

Sec. 1-2224. Board of appraisers; assessment and apportionment of costs.

As soon as the said contract is let and the cost of such improvement, which shall also include all other expense incurred by the city incident to said improvement, in addition to the contract price for the work and materials, is ascertained, the said Mayor and Aldermen shall, by resolution, appoint a board of appraisers, consisting of the chief engineer of said city, the assistant engineer and the chairman of the board of tax assessors to appraise and apportion the cost and expense of the same to the several tracts of land abutting on said improvement. Within ten days from the date of the resolution appointing said board, the said board shall file a written report of the appraisal and assessment and apportionment of such expense and cost to the several lots and tracts of land abutting on said street, alley, lane or avenue, or other public place so improved, with the clerk of council of said city. When said report shall have been returned and filed, the said Mayor and Aldermen shall appoint a time for the holding of a session of council or shall designate a regular meeting of council for the hearing of any complaints or objections that may be made concerning the said appraisement, apportionment and assessment as to any such lots or tracts of land abutting on said improvement, and notice of such session for the said hearing shall be published by the said clerk of council in at least five consecutive issues of any daily newspaper of general circulation in the City of Savannah, and said notice shall

provide for an inspection of such return by any property owner or other party interested in such return. The time fixed for said hearing shall not be less than five nor more than ten days from the last publication. The said Mayor and Aldermen at said sessions shall have power to review and correct said appraisement, apportionment and assessment and to hear objections to the same, and to confirm the same either as made by said board or as corrected by said Mayor and Aldermen. Assessments in conformity to said appraisement and apportionment as confirmed by council shall be payable in ten equal installments and shall bear interest at the rate of seven per cent per annum until paid, payable in each year at such time as the several installments of the assessments are made payable each year. The said Mayor and Aldermen shall, by ordinance, levy assessments in accordance with said appraisement and apportionment as so confirmed against the several tracts of land liable therefor. In case any ordinance shall have been adopted levying the assessment provided for in this and other sections of said Act before the work of paving or improving the street, highway or other public place shall have actually begun, such fact shall not invalidate such ordinance or such assessments and said Mayor and Aldermen shall have the rights in its discretion to compute and collect interest on such assessments from the date on which said work actually began instead of from the date of such ordinance levying said assessments; and said Mayor and Aldermen shall have also the right in their discretion to date any series of bonds provided for in this Act fifteen days after the date the said work actually began or fifteen days from the date of the ordinance levying said assessments and the foregoing provisions shall apply to assessments and bonds provided for prior to the passage of this amended Act, as well as those provided for hereafter.

Any one of the said board is absent from the city, or disqualified, or may not act for any reason, then the said apportionment and appraisement may be made by the remaining two officers of said board, and their action shall be as binding and effective as if made by the entire board. (Ga. L. 1919, p. 1294, § 16; Ga. L. 1920, p. 1483, § 13; Ga. L. 1929, p. 1281, § 5.)

Sec. 1-2225. Ordinances, rules, etc., to require payment of cost; authority to make water, gas, etc., connections.

Whenever the petition provided for in section 1-2219 of this Code

is presented or when the said Mayor and Aldermen shall have determined to pave or improve any street, avenue, lane, alley or other public place and shall have passed the resolution provided for in said section 1-2219 of this Code, the said Mayor and Aldermen shall then have the power to enact all ordinances and to establish all such rules and regulations as may be necessary to require the owners of all property subject to assessment to pay the cost of such improvement, and to cause to be put in and constructed all water, gas or sewer pipe connections to connect with any existing water, gas or sewer pipes in and underneath the streets, avenues, lanes and alleys and other public places where such public improvements are to be made and all cost and expense for making such connections shall be taxed against such property and shall be included and made part of the general assessment to cover the cost of such improvements. (Ga. L. 1919, p. 1294, § 14.)

Sec. 1-2226. When assessment installments due.

The first installment of said assessments together with interest to that date upon the whole shall be due and payable on the first day of September next succeeding the passage of said ordinance and one installment with the yearly interest upon the amounts remaining unpaid shall be payable on the first day of September in each succeeding year until all shall be paid; provided, that if such assessing ordinance shall be passed after the first day of August in any year, the first installment of such assessment and interest shall be due and payable on September first of the following year. Said ordinance shall also provide that the owners of the property so assessed shall have the privilege of paying the amounts of their respective assessments within thirty days from the date of the passage of said ordinance. The owners of the property so assessed shall be allowed to make payment of their respective assessments without interest within said period of thirty days to the treasurer of the City of Savannah and relieve their property from the lien of said assessment, which money so paid to the said treasurer shall be disbursed pro rata between the contractor and the city in proportion to the respective interests. (Ga. L. 1919, p. 1294, § 17.)

Sec. 1-2227. Assessment liens.

Such special assessment and each installment thereof, and the interest thereon are hereby declared to be a lien against the lots and tracts of land so assessed from the date of the ordinance levying the

same co-equal with the lien of other taxes and prior to and superior to all other liens against such lots or tracts, and such lien shall continue until such assessment and interest thereon, shall be fully paid, but unmatured installments shall not be deemed to be within the terms of any general convenant or warranty. (Ga. L. 1919, p. 1294, § 18.)

Sec. 1-2228. Collection of assessments.

The assessments provided for and levied under the provisions of this Act shall be payable by the persons owning the said lots or tracts of land as the several installments become due, together with the interest thereon, to the treasurer of the City of Savannah, who shall give proper receipts for such payments. It shall be the duty of the treasurer to keep an accurate account of all such collections made by him, and such collections shall be kept in a special fund to be used and applied for the payment of such bonds, and the interest thereon and for no other purpose. It shall be the duty of the said treasurer, not less than thirty days and not more than fifty days before the maturity of any installment of such assessments, to publish in two successive issues of a daily newspaper published in the City of Savannah and having general circulation in said city, a notice advising the owner of the property affected by such assessment of the date when such installment and interest will be due and designating the street or streets or public places for the improvement of which such assessments have been levied, and that unless the same shall be promptly paid proceedings will be taken to collect said installment and interest. And it shall be the duty of said treasurer, promptly after the date of the maturity of any such installment or assessment and interest and on or before the fifteenth day of September of each year in case of a default in payment of such installment or assessment, with interest, to issue an execution against the lot or tract of land assessed for such improvement or against the party or person owning the same for the amount of such assessment, with interest, and shall turn over the same to the marshal of the City of Savannah or his deputy who shall levy the same upon the real estate liable for such assessment and previously assessed for such improvements, and after advertisement and other proceedings as in the case of sales for city taxes, the same shall be sold at public outcry to the highest bidder, and such sales shall vest an absolute title in the purchaser subject to the lien of the remaining unpaid installments with interest; provided, that the defendant shall have the right to file an affidavit

denying that the whole or any part of the amount for which said execution issued is due, and stating what amount he admits to be due, which amount so admitted to be due shall be paid or collected before the affidavit is received for the balance. All affidavits (and the foregoing and the following provisions shall apply to the street and steam railroads against whom execution shall be issued for the cost and expense of paving) shall set out in detail the reasons why the affidavit [affiant] claims the amount is not due, and, when received by the city marshal, shall be returned to the municipal court of Savannah if the amount of the execution is one hundred dollars or under, and to the superior court of Chatham County, Georgia, if the amount contested is over one hundred dollars, and there tried and the issue determined as in case of illegality, subject to all the pains and penalties provided for in cases of illegality for delay under the Code of Georgia. The failure of said treasurer to publish said notice of the maturity of any installment of said assessment and interest shall in no wise affect the validity of the assessment and interest and the execution issued therefor. No affidavit of illegality shall in any case be based upon any ground or cause which would have been pleaded in the proceedings provided for in section 21 of this Act. And any affidavit of illegality provided for under the terms of said Act shall be triable at the same term of the court at which it may be filed. And if on the trial of the issue the court or jury who tries the same shall believe such affidavit was filed for delay only, or that said affidavit is without any excuse to sustain it, they shall so state in their judgment or verdict, and if they so find, the person who files said affidavit shall pay twenty-five per cent additional. And, in any event, if said party who filed said affidavit of illegality fails to prevail in the same he shall, in addition to the foregoing, pay double interest at the rate provided for in the said Act on the amount involved in said illegality. The foregoing provision shall apply to any illegality hereafter filed, whether the assessments were made prior to or since the passage of this Act. In case of the sale of any real property liable for such assessments the owner of said property shall have the right to redeem the same in the manner and during the time now provided by existing laws for the redemption of property sold under execution for city taxes. (Ga. L. 1919, p. 1294, § 20; Ga. L. 1920, p. 1483, § 11; Ga. L. 1933, p. 1051, § 26.)

Sec. 1-2229. Advancements by city for unpaid assessments.

Should any assessment provided for and levied under the provisions of section 20, or any other section, of that certain Act adopted and approved August 18, 1919, and entitled "An Act to amend the several Acts relating to and incorporating the Mayor and Aldermen of the City of Savannah, and for other purposes," and acts amendatory thereof, be not paid, together with all interest, when due by the person or persons owning the lot or lots or tract of land liable for the same, then the said Mayor and Aldermen of the City of Savannah for the purpose of preventing a default in the street improvement bonds issued and based upon such assessment or assessments in whole or in part, shall have the right to temporarily advance out of the general funds and monies of the Mayor and Aldermen of the City of Savannah the amount of such defaulted assessment or assessments for the purpose of paying promptly, as due, the series of street improvement bonds that may be due in any given year, and the said assessment or assessments with interest so temporarily advanced shall not be considered to have been paid and satisfied by the owner or owners of the said lot or lots or tracts of land liable for the same, nor shall the lien or the assessment against said lot or lots or tracts of land be divested, but said lien and assessment shall continue to be of force and be subject to be enforced and collected by said Mayor and Aldermen of the City of Savannah under all the provisions of said Act and all Acts amendatory thereof; and said Mayor and Aldermen of the City of Savannah is hereby declared to be the absolute owner of any such lien or liens, assessment or assessments, or execution or executions. Any and all payments heretofore made by said Mayor and Aldermen of the City of Savannah of any such assessments for the purpose of preventing a default in any series of said street improvement bonds are hereby ratified and confirmed, and the said assessment or assessments and liens thereof and the execution or executions issued thereon as against the lot or lots or tract or tracts of land shall not be considered to have been paid, satisfied, released or relieved as against the said lot or lots or tract or tracts of land originally liable for the same prior to any such temporary payment of the same by the said Mayor and Aldermen of the City of Savannah out of its general funds or money for the purpose of preventing a default in any series of said street improvement bonds, and the said Mayor and Aldermen of the City of Savannah is hereby authorized and empowered to enforce and collect said liens,

assessments and executions, with all interest thereon as if no temporary advance of the amount of same has ever been made by said Mayor and Aldermen of the City of Savannah for the purpose of paying the amount in whole or in part of any series of said street improvement bonds due in any year prior to the passage of this Act, and the said Mayor and Aldermen of the City of Savannah is hereby declared to be the absolute owner of any such lien or liens, assessment or assessments or execution or executions. (Ga. L. 1935, p. 1171, § 10.)

Sec. 1-2230. Suits to set aside assessments.

No suit shall be sustained to set aside any such assessment or to enjoin the said Mayor and Aldermen from making any such assessment or levying or collecting any such assessments, or issuing such bonds or providing for their payment as herein authorized or contesting the validity thereof on any ground or for any reason, other than for the failure of the Mayor and Aldermen to adopt and publish the preliminary resolution provided for in section 1-2219 of this Code in cases requiring such resolution and its publication, and to give notice of the hearing of the return of the appraisers, as herein provided for, unless such suit shall be commenced within sixty days after the passage of the ordinance making such final assessment; providing that, in the event any special assessment shall be found to be invalid or insufficient in whole or in part for any reason whatsoever, the said Mayor and Aldermen may at any time in the manner provided for the levying an original assessment proceed to cause a new assessment to be made and levied which shall have like force and effect as an original assessment. (Ga. L. 1919, p. 1294, § 21.)

Sec. 1-2231. Publication of notices.

The publication of all notices in a daily newspaper called for in this Act shall be the number of days therein specified inclusive of Sundays and legal holidays. (Ga. L. 1919, p. 1294, § 23; Ga. L. 1921, p. 1075, § 23.)

Sec. 1-2232. Ownership of abutting property by state or political subdivision.

Whenever the abutting land owners of any street, alley, avenue, or lane of said city petition the said Mayor and Aldermen as herein

set out, or said Mayor and Aldermen pass the resolution provided for in section 1-2219 of this Code, for the pavement of any such street, avenue, alley or lane or other public place, where the state or any of its political subdivisions is the owner of the property on said street, the frontage so owned is to be counted as if owned by an individual and shall be likewise treated for the purpose of assessment, and where the state is the owner of the property, the governor is authorized to sign any petition provided for in this Act for and in behalf of the state, and where the county is the owner, the chairman of the board of county commissioners of Chatham County is authorized to sign in behalf of the county, and where the City of Savannah is the owner, the Mayor of Savannah is authorized to sign in behalf of the city. (Ga. L. 1919, p. 1294, § 24.)

Sec. 1-2233. Repaving, redraining, etc.

In all cases where the Mayor and Aldermen of the City of Savannah shall deem it necessary to repave, redrain and remacadamize or otherwise improve any street, alley, avenue, lane or other public place which has been paved or improved prior to the passage of the Act of the General Assembly of August 18, 1919, found in Georgia Laws of 1919, page 1294, or which shall have been heretofore macadamized or drained under the provisions of said last-named Act, such repavement, redraining or remacadamizing or other improvement is hereby authorized to be done in pursuance of the provisions of said Act of August 18, 1919, and Acts amendatory thereof, and in such cases, all provisions of said Act providing for making such improvements and levying assessments therefor and the issuance of bonds shall apply; provided, that in the judgment of said Mayor and Aldermen of said city, the pavement or improvement is worn out and no longer serviceable. (Ga. L. 1921, p. 1075, § 1.)

Sec. 1-2234. Resurfacing.

In all cases where the Mayor and Aldermen of the City of Savannah shall deem it necessary to resurface any existing pavements on any street, alley, avenue, lane or other public place, which pavement was laid prior to the passage of the Act of the General Assembly of August 18, 1919, found in Georgia Laws 1919, page 1294, and following, or which shall have been laid under the provisions of said last named Act, and which pavement may be worn

out or no longer serviceable as a pavement as defined in the preceding section, the Mayor and Aldermen of the City of Savannah is hereby authorized to resurface the existing pavement on any such alley, avenue, lane or other public place in pursuance of and under and by virtue of the provisions of said Act of August 18, 1919, and Acts amendatory thereof, and in such cases all provisions of said Act providing for paving and improving and levying of assessments therefor and the issuance of bonds shall apply, as well as all other provisions of said Act; provided, that in the judgment of said Mayor and Aldermen said paving which is to be resurfaced is rough, or uneven, or unsuited for traffic, or renders traffic difficult. (Ga. L. 1921, p. 1075, § 2.)

Sec. 1-2235. Right to proceed under existing laws.

Nothing in this Act shall be construed to repeal the existing laws now in force in the charter of the City of Savannah with regard to grading, paving, macadamizing or otherwise improving for travel or drainage any of the streets or lanes of said city, as embodied in the Acts of the General Assembly of Georgia, in Georgia Laws 1884-85, pages 362 and following, in Georgia Laws 1887, page 537, in Georgia Laws 1910, page 1142; and the said Mayor and Aldermen of said city may proceed thereunder to pave, grade, macadamize or otherwise improve for travel or drainage any of the streets or lanes of said city whenever said Mayor and Aldermen of the City of Savannah are unable to proceed under the provisions of this Act by reason of the owners of more than one-half in area of the land liable to assessment to pay for the improvement upon any stated highway filing their protest in writing against such improvement as provided in section 1-2219 of this Code. And said Mayor and Aldermen may proceed under the provisions of the said Acts of the General Assembly of Georgia, in Georgia Laws 1884-85, page 362 and following, and in Georgia Laws 1887, page 537 and in Georgia Laws 1910, page 1142, whenever for any other legal reason said Mayor and Aldermen are unable to proceed under the provisions of the said Act of August 4, 1919.

Wherever and whenever said Mayor and Aldermen shall have undertaken to pave or repave or resurface or otherwise improve any street, lane, alley or other public place in the City of Savannah, under and by virtue of the provisions of the Act of the General Assembly of the State of Georgia, approved August 18, 1919, and found in

Georgia Laws 1919, page 1294, and following, and the Acts amendatory thereof and under the provisions of this Act, and the proceedings for such paving, repaving, resurfacing and improvement, and the assessments thereof, shall be held to be invalid for any reason, either before or after the paving or repaving or resurfacing or otherwise improving the street, alley, lane or other public place has been done, then and in such event the assessments for such paving, repaving or resurfacing or improvement against the property and property owners shall be made and levied and collected under and by virtue and in pursuance of the provisions of the Acts of the General Assembly of Georgia, found in Georgia Laws 1884-85, page 362, and following, also, in Georgia Laws 1887, page 537, and in Georgia Laws 1910, page 1142, and such assessments so made under the provisions of the last-named Acts shall be legal and binding upon the property benefited and upon the property owners. All proceedings heretofore had by the Mayor and Aldermen of the City of Savannah under and by virtue of the Act of the General Assembly of the State of Georgia, approved August 18, 1919, and found in Georgia Laws 1919, page 1294 and following, for the paving or repaving of any street, lane or alley or other public place in the City of Savannah are hereby declared to be valid, it being the intention of the General Assembly of Georgia in the said Act of August 18, 1919, to include and import in the use of the word "pave" as used in sections 10 and 12 of said Act the right to "repave" any such street, alley, lane or other public place whenever the same was in the judgment of said Mayor and Aldermen worn out and no longer serviceable.

In all cases where the Mayor and Aldermen of the City of Savannah shall begin proceedings to resurface any existing pavement on any street, alley, avenue, lane or other public place in the City of Savannah under and by virtue of section 2 of this Act and of the Act of the General Assembly of the State of Georgia of August 18, 1919, aforesaid, and Acts amendatory thereof, but shall be unable to proceed with the said resurfacing of such existing pavement by reason of a protest in writing being filed by the owner of more than one-half in area of the land liable to assessment to pay for such improvement and resurfacing as provided for in section 12 of the said Act of August 18, 1919, then and in such event, and thereafter, the Mayor and Aldermen of the City of Savannah shall have the authority to resurface any existing pavement on any street, alley, avenue, lane or other public place and which pavement may be worn out and no longer serviceable as a pavement, as defined in section 1 of this Act, under and by virtue of and in pursuance of the provisions of the Acts of the General Assembly of Georgia found in Georgia Laws 1884-85, page 362, and following, in Georgia Laws 1887, page 537, and in Georgia Laws 1910, page 1142, and in all such cases the provision of said last-named Acts providing for paving and improving and levying assessments therefor, as well as other provisions of said Acts, shall apply; provided, that in the judgment of said Mayor and Aldermen of the City of Savannah the said paving which is to be resurfaced is rough or uneven or unsuited for traffic, or renders traffic difficult. (Ga. L. 1919, p. 1294, § 25; Ga. L. 1920, p. 1483, § 12; Ga. L. 1921, p. 1075, §§ 2, 8.)

Sec. 1-2236. Duties of chief engineer and assistant chief engineer may be performed by director of public works, city engineer or assistant city engineer.

Whenever in the Act of the General Assembly of the State of Georgia, approved August 18th, 1919, and found in Georgia Laws of 1919, page 1294, and following, as well as Acts amendatory thereof, and particularly in Acts 1921, page 1080, section seven, certain duties are prescribed to be performed by the chief engineer and the assistant chief engineer of the city, such duties can be performed and carried out by the director of public works of the city in place of the chief engineer and by the city engineer in place of the assistant chief engineer; and in case of the absence from the city of the said city engineer, or if he is unable to act, then the assistant city engineer shall have the power and authority to act in the place and stead of the said city engineer; and when said duties are so performed by said director of public works and/or said city engineer and/or said assistant city engineer, the same shall be legal and valid and binding. (Ga. L. 1927, p. 1526, § 2.)

Sec. 1-2237. Construction of term "land liable to assessment".

Wherever the words "in area of the land liable to assessment" shall appear in this Act, or in the Acts of the General Assembly of the State of Georgia, found in Georgia Laws 1919, page 1294, and following, as well as in the Acts amendatory of the last named, they shall be construed to mean area according to the frontage abutting on the street, avenue, alley or other public place to be improved. (Ga. L. 1922, p. 965, § 11.)

Division 3. Under 1885 Act.

Sec. 1-2238. Generally.

The Mayor and Aldermen of the City of Savannah shall have full power and authority, in their discretion, to grade, pave, macadamize and otherwise improve for travel and drainage the streets and public lanes and alleys of the said city, to put down curbing, cross drains, crossings and otherwise improve the same. (Ga. L. 1884-85, p. 362, § 1.)

Sec. 1-2239. Assessments, ordinance, etc.

The Mayor and Aldermen of the City of Savannah shall also have full power and authority to assess two-thirds of the cost of grading, paving, macadamizing, constructing side drains, cross drains, crossings and otherwise improving the roadway or street proper on the real estate abutting on the street improved, to wit, one-third of said cost on real estate on each side of such street or portion of a street [which] shall be so improved, [if] the persons owning real estate which has at least one-half of the fronting on the block or portion of the street the improvement of which is desired, shall in writing request the Mayor and Aldermen of the City of Savannah to make such improvements, and the said Mayor and Aldermen of the City of Savannah shall, by a two-thirds vote at a regular meeting of the council have approved the same, and shall by ordinance direct the said work to be done; and provided further, that every street railroad company having tracks running through the streets of said city shall be required to macadamize or otherwise pave, as the said Mayor and Aldermen of the City of Savannah may direct, the width of its tracks, and three feet on each side of every line of track now in use or that may hereafter be constructed by such company. (Ga. L. 1884-85, p. 362, § 2.)

Sec. 1-2240. Equalizing assessments, etc.

The Mayor and Aldermen of the City of Savannah shall have full power and authority to adopt by ordinance such a system of equalizing assessments on real estate for the above purposes as may be just and proper, estimating the total cost of each improvement made, and pro rating the cost thereof on the real estate, according to its frontage on the street or portion of a street improved. It shall be wholly discretionary with the Mayor and Aldermen of the City of Savannah whether any work asked for is desirable or

necessary, and shall be done or not; and no application shall be received and no work done for less than a block; provided, that the owners of one-half or more of the frontage on a block shall not by a failure to apply for work, or by objection thereto, defeat an application of owners of one-half of the frontage of more than a block, when such application shall have been regularly made. (Ga. L. 1884-85, p. 362, § 3.)

Sec. 1-2241. Lien for assessment.

The amount of assessment on each piece of real estate shall be a lien upon said real estate from the date of the passage of the ordinance providing for the work and making the assessments. (Ga. L. 1884-85, p. 362, § 4.)

Sec. 1-2242. Collection of assessments.

The Mayor and Aldermen of the City of Savannah shall have the authority to enforce the collection of the amount of any assessment so made for work, either for the streets or for the sidewalks, by execution to be issued by the city treasurer against the real estate so assessed, and against the owner thereof at the date of the ordinance making the assessment, which execution may be levied by the marshal of said city on such real estate; and after advertisement and other proceeding, as in cases of sales for city taxes, the same may be sold at public outcry to the highest bidder, and such sale shall vest an absolute title in the purchaser; provided, that the defendant shall have the right to file an affidavit denying that the whole or any part of the amount for which the execution issued is due, and stating what amount he admits to be due, which amount so admitted to be due, shall be paid or collected before the affidavit is received, and the affidavit received for the balance; and all such affidavits so received shall be returned to the superior court of Chatham County, and there tried, and the issue determined as in case of illegality, subject to all the pains and penalties provided for in cases of illegality for delay. (Ga. L. 1884-85, p. 362, § 5.)

Chapter 1-23. Subdivisions.[8]

§ 1-2301. Map or plan—Must be submitted to and approved by Mayor and Aldermen.
§ 1-2302. Same—Recordation and deposit of copies.
§ 1-2303. Same—Disapproval.
§ 1-2304. Dedication of streets; title to improvements.
§ 1-2305. Authority to regulate laying off and sale of lots.

Sec. 1-2301. Map or plan—Must be submitted to and approved by Mayor and Aldermen.[9]

No tract of land lying within the corporate limits of the City of Savannah, as they are or hereafter may be defined, or within two miles of such corporate limits, shall be laid off into lots and streets or lanes, or subdivided in any manner, until a map or plan of such subdivision shall have first been submitted to and approved by the Mayor and Aldermen of the City of Savannah. (Ga. L. 1914, p. 1178, § 2.)

Sec. 1-2302. Same—Recordation and deposit of copies.[1]

A copy of the map or plan of such subdivision, when so approved, shall be recorded by the parties making such subdivision in the office of the clerk of the superior court of Chatham County, Georgia, and copies deposited with the board of commissioners of roads and revenues of Chatham County and with the city engineer of the City of Savannah before offering any such lots for sale. (Ga. L. 1914, p. 1178, § 2.)

Sec. 1-2303. Same—Disapproval.

The Mayor and Aldermen of the City of Savannah shall have a right and be empowered to disapprove any map or plan submitted of such subdivision which does not provide adequate means of access to the lots therein from the public streets or highways or from lanes between said lots; which is not laid out so as to provide for the continuation of existing streets and highways or for proposed widening of same deemed necessary by the Mayor and Aldermen

8. For ordinance provisions relative to subdivisions generally, see Tit. 31.
9. For similar ordinance provisions, see § 31-101.
1. For similar ordinance provisions, see § 31-102.

in the public interest; which does not facilitate or permit an appropriate subdivision of adjacent property; which does not provide for a reasonable number and area of open spaces, parks, squares, plats and/or parking spaces for vehicles of any description, as may be reasonably necessary to preserve the health, comfort, convenience and safety of the contemplated inhabitants of said subdivision and as will also follow the general plan of the City of Savannah as originally laid out or subsequently added to, and/or which, in the opinion of the said Mayor and Aldermen, is not planned, platted, laid out or subdivided in a manner as may be reasonably suited to preserve the health, comfort, convenience and safety of the contemplated inhabitants thereof or which, having in view the purpose of the subdivision, is not in accord with the general scheme of city planning or zoning of said Mayor and Aldermen, pursuant to any zoning laws or ordinances now in force or which may hereinafter be enacted; provided, that said Mayor and Aldermen may waive or modify any of the foregoing conditions or requirements wherever, owing to the peculiar shape or location of the land, such conditions or requirements cannot be reasonably followed, having due regard to the appropriate development of the land to be subdivided. (Ga. L. 1925, p. 1440, § 14.)

Sec. 1-2304. Dedication of streets;[2] title to improvements.

The filing of such map or plan shall constitute a dedication for public purposes of all streets, lanes or other highways thereon delineated. Provided, however, that where the owners of subdivisions lay off, grade or otherwise improve streets, lanes, plats, squares, parks or open spaces of any shape or description by whatever name designated, and reservations of such subdivisions, the title to the same shall remain in the owners of the subdivision subject to the use of the lot owners as expressed in their deeds, contracts and agreements, and as provided by general laws; and the city may acquire such title by contract based upon the public improvements placed therein or by condemnation under existing laws. (Ga. L. 1914, p. 1178, § 2; Ga. L. 1924, p. 683, § 5; Ga. L. 1925, p. 1441, § 14.)

2. For special legislative authority as to streets generally, see ch. 1-22. For ordinance provisions relative to streets generally, see Tit. 30. For provisions relative to dedication of streets in subdivisions, see § 31-106.

Sec. 1-2305. Authority to regulate laying off and sale of lots.

The Mayor and Aldermen of the City of Savannah shall have authority to pass all necessary ordinances, not conflicting with the provisions of this Act, regulating the laying off and sale of lots of land within the corporate limits of said city, and within two miles thereof, and providing punishment for violations of such ordinances and this chapter. (Ga. L. 1914, p. 1178, § 3.)

Chapter 1-24. Taxation.[3]

§ 1-2401. General authority of Mayor and Aldermen.
§ 1-2402. Assessments, reassessments, etc.—Generally.
§ 1-2403. Same—Notice.
§ 1-2404. Same—Protest.
§ 1-2405. Levies on reassessments—Generally.
§ 1-2406. Same—In case of unimproved property.
§ 1-2407. Taxation of receipts or sales and services.
§ 1-2408. Property ad valorem tax—Authority to collect when certain services are furnished.
§ 1-2409. Same—Quarterly collection.
§ 1-2410. Authority to require recordation of land transfers and grantee to pay taxes.
§ 1-2411. Transfer of land on city tax books.

Sec. 1-2401. General authority of Mayor and Aldermen.

The Mayor and Aldermen are hereby vested with full power and authority to make such assessments and levy such taxes on the inhabitants of the city or those who hold taxable property within the same, for the safety, benefit, convenience and advantage of the city, as shall appear to them expedient and to enforce the payment of any and all such assessments and taxes by the proper officers of the

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3. For special legislative authority as to exemption of airport property from taxation, see § 1-1221. As to authority to tax the use of streets and sidewalks, see § 1-2201. As to commutation tax, see §§ 1-2204, 1-2205.

For ordinance provision relative to the authority of the sinking fund commission to enforce taxation, see § 3-1307. For provisions relative to tax on poles erected on streets, lanes, etc., see § 30-133. For provisions relative to taxation, see Tit. 32.

city in the same manner as the payment of the assessments for taxes of the State is enforced. (Ga. L. 1849-50, p. 83, § 3.)

Sec. 1-2402. Assessments, reassessments, etc. — Generally.[4]

The Mayor and Aldermen of the City of Savannah shall have the authority to provide by ordinance for the assessment, reassessment and increase or decrease of assessments on all real and personal property within the limits of the City of Savannah. (Ga. L. 1950, p. 2387, § 1.)

Sec. 1-2403. Same—Notice.

The Mayor and Aldermen of the City of Savannah shall have the authority by ordinance to provide for notice to be given to property owners of the assessment, reassessment and increase or decrease of assessments, of any real or personal property owned by them, such notice to be so given as to afford such property owners an opportunity to protest against any such assessment, reassessment or increase or decrease in assessments, and to provide for the manner of hearing and acting upon any such protest. (Ga. L. 1950, p. 2387, § 3.)

Sec. 1-2404. Same—Protest.

The Mayor and Aldermen of the City of Savannah shall have the authority by ordinance to provide for a protest at any time by any property owner of the assessment on his real or personal property; for action to be taken on such protest; and for any change in such assessment by reason of such protest to take effect at any time during the year in which such protest is filed or acted upon. (Ga. L. 1950, p. 2387, § 4.)

Sec. 1-2405. Levies on reassessments—Generally.

The Mayor and Aldermen shall only have authority to levy taxes on any reassessment of property as of January first of each year hereafter.[5] (Ga. L. 1950, p. 2387, § 2.)

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4. For ordinance provisions relative to tax assessors, see ch. 32-2.

5. The Act from which this section was taken was approved February 14, 1950.

Sec. 1-2406. Same—In case of unimproved property.

The Mayor and Aldermen of the City of Savannah shall not levy taxes on any reassessment of unimproved property until such time as all unimproved property has been reassessed completely; and the Mayor and Aldermen shall not levy and collect any additional taxes until all improved property within the corporate limits of the City of Savannah has been reassessed completely. (Ga. L. 1950, p. 2387, § 4.)

Sec. 1-2407. Taxation of receipts or sales and services.

The Mayor and Aldermen of the City of Savannah are hereby expressly prohibited from levying taxes on the gross or net receipts or upon the sales or services, either wholesale or retail, of any person, firm or corporation doing business within the corporate limits of Savannah; the above provision of this paragraph shall in no manner affect the taxes now levied under existing laws or ordinances in the City of Savannah and any such taxes now levied may be continued to be levied. The provisions of this paragraph are intended to apply only to any levys upon gross or net receipts or sales or services which are not now taxed by the Mayor and Aldermen. (Ga. L. 1950, p. 2383, § 7.)

Sec. 1-2408. Property ad valorem tax—Authority to collect when certain services are furnished.

When sanitary sewerage services have been provided to any property within the present corporate limits of the City of Savannah, then the Mayor and Aldermen of the City of Savannah shall be authorized to collect thirty-five per cent of the ad valorem tax charged against said property; and when storm sewerage services have been provided to any such property, then the Mayor and Aldermen of the City of Savannah shall be authorized to collect fifteen per cent of said tax; and when the Mayor and Aldermen of the City of Savannah has provided garbage collection service, as directed by section 1-132 of this Code, it shall be authorized to collect twenty per cent of said tax; and when the Mayor and Aldermen of the City of Savannah has provided city water service, as directed by section 1-2504 of this Code, it shall be authorized to collect fifteen per cent of the said tax; and when the Mayor and Aldermen of the City of Savannah has provided fire and police protection, as directed by sections 1-123 and 1-131 of this Code, it shall be authorized to collect fifteen per cent of said tax.

It is the intent and purpose of this section and this Act to provide that all the enumerated services be furnished to all parts of the City of Savannah within the present corporate limits, where they have not already been provided, as promptly as possible, and that, where such services, or some of them, are provided to any particular real property and improvements within the present corporate limits of the City of Savannah, ad valorem taxes shall be payable on said property in accordance with the above valuation of each service, without regard to whether or not all or any of said services are provided to other property in other areas of said city.

Nothing in this Act shall be construed to prevent the assessment of all real estate and improvements in the annexed areas of the City of Savannah at any time by the Mayor and Aldermen of the City of Savannah, the only purpose of this Act being to provide what taxes shall be paid based on said assessments. (Ga. L. 1951, p. 2294, §§ 6, 9.)

Sec. 1-2409. Same—Quarterly collection.

The Mayor and Aldermen of the City of Savannah shall be authorized to collect said taxes on said property beginning on the first day of any quarterly period following the actual provision of the various services enumerated in the preceding section, or any of them. The quarterly periods referred to in this section shall begin on January 1, April 1, July 1, and October 1 of each year, beginning with the year 1951. (Ga. L. 1951, p. 2294, § 7.)

Sec. 1-2410. Authority to require recordation of land transfers and grantee to pay taxes.[6]

The Mayor and Aldermen of the City of Savannah shall have authority to pass such ordinances as may be necessary to require all transfers of city real estate to be recorded with the board of tax assessors, or some person it may designate, and to require the grantee in the deed to pay all taxes up to the end of the last quarter before such transfer. (Ga. L. 1914, p. 1178, § 6.)

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6. For ordinance provisions enacted pursuant to the authority granted by this section, see § 32-108.

Sec. 1-2411. Transfer of land on city tax books.

Whenever real estate situated in the City of Savannah, Georgia, shall be transferred by deed, will or other method of conveyance, and the taxes on personal property payable to the Mayor and Aldermen of the City of Savannah due by the grantor, testator or maker of such other instrument for the current year shall have been paid, and the tax upon such real estate so transferred with the improvements thereon, to the end of the current quarter fixed by law or ordinance for the payment of such taxes to the Mayor and Aldermen of the City of Savannah, shall be tendered or paid, thereupon it shall be the duty of the city treasurer of the City of Savannah to transfer said conveyed property upon the real estate tax books of the City of Savannah, which said property so transferred shall thenceforth stand freed from all other claims for taxes due to the Mayor and Aldermen of the City of Savannah upon other real estate owned by the maker of such instrument for taxes on other property owned by such transferer. No provision of this Act shall in any wise prohibit the right of the Mayor and Aldermen of the City of Savannah to demand and receive payment for all back taxes specifically due on the property sought to be transferred, but the lien of all other taxes against the transferer shall be divested from the specific property thus transferred. (Ga. L. 1919, p. 1294, §§ 5, 6.)

Chapter 1-25. Water.[7]

Article I. In General.

§ 1-2501. Council to provide for operation of system, fix rates, etc.
§ 1-2502. Authority to construct aqueduct, lay pipes, etc.
§ 1-2503. Authority relative to lead connections.
§ 1-2504. Duty to provide service in all parts of city; reduced charges for large consumers.
§ 1-2505. Right to extend facilities and services in Chatham County.
§ 1-2506. Charges to consumers in Bonaventure and Laurel Grove Cemeteries.
§ 1-2507. Repair of plumbing which causes water waste.
§ 1-2508. Execution for water charges.

Article II. Industrial and Domestic Water Supply Commission.

§ 1-2509. Created; purpose.
§ 1-2510. Composition; terms of members.
§ 1-2511. Qualifications of members.
§ 1-2512. Vacancies.
§ 1-2513. General duties.
§ 1-2514. Authority relative to employees generally.
§ 1-2515. Employment of engineer and secretary.
§ 1-2516. Legal services.
§ 1-2517. Contracts—Generally.
§ 1-2518. Same—With Mayor and Aldermen.

ARTICLE I. IN GENERAL.

Sec. 1-2501. Council to provide for operation of system, fix rates, etc.

The Mayor and Aldermen are hereby charged with the responsibility of providing by ordinance all rules and regulations for the operation of the industrial and domestic water supply system and for the fixing of rates and charges for water to consumers, based, as far as possible, on the recommendations made to the Mayor and Aldermen by the industrial and domestic water supply commission. The Mayor and Aldermen are further empowered by ordinance

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7. For special legislative authority to cut off water supply upon consumer's failure to pay charges for garbage collection and sanitary sewerage services, see § 1-1005.

For ordinance provisions relative to water supply at trailer lots, camps and parks, see § 35-109. For provisions relative to water generally, see Tit. 37.

to do any and all legal things necessary or incidental to the construction and improvement of and the operation of said water plant, which is not provided for in this chapter. (Ga. L. 1955, p. 3338, § 1.)

Sec. 1-2502. Authority to construct aqueduct, lay pipes, etc.

The Mayor and Aldermen of the City of Savannah is hereby authorized and empowered to build or construct an aqueduct or conduit or lay pipes for the purpose of conveying water from any point within Chatham County which they may select beyond the limits of the City of Savannah, except in the towns of Thunderbolt and Tybee, as they may think proper and, further, to erect, build or construct and do such things as necessary for the construction or erection of artesian wells or to establish, construct, own or operate a system of waterworks at any point within Chatham County, other than within the towns of Thunderbolt, and/or Tybee; and, for the purpose of building or constructing an aqueduct or conduit, or for the purpose of laying pipes, they shall have the authority to [take] and use as a right of way for such aqueduct or conduit and for such pipes any land not exceeding thirty feet in width between such points, and for the purpose of establishing said artesian wells, or waterworks system, to take and use such land as they may deem necessary within the limits of the County of Chatham, other than within the towns of Thunderbolt and/or Tybee; provided, that before such land shall be taken for either purpose and used, the owner or owners of such land or lands shall be notified in writing of the amount and location of the land, which it is desired to use, and if such owner or owners and said Mayor and Aldermen cannot or do not agree at once upon the terms and conditions upon which such land shall be taken as a right of way as aforesaid, the Mayor of said city shall appoint another, and the two so appointed shall appoint a third or, if they cannot or do not agree upon a third within five days after being notified of their selection, then the ordinary of Chatham County shall appoint such third assessor, and if the owner or owners of such land does or do not appoint an assessor as aforesaid within five days after he, or they, is or are so notified as aforesaid, the said ordinary shall appoint two assessors; and the three assessors so appointed by any of the foregoing methods shall determine and assess the amount of money to be paid by said city for such right of way through the tract of land for which they

are appointed, and the decision of any two of such assessors shall be final and binding on the parties, except that in all cases there may be an appeal by either party to the superior court of Chatham County, under the usual rules governing appeals to that court, and such decision shall describe the land taken as a right of way, and/or for a well or waterworks site, and the amount of money to be paid for same, and shall be made in duplicate, and one original given to said owner, or owners, and the other to said Mayor and Aldermen, and upon the payment by said Mayor and Aldermen of the sum awarded, and a receipt thereof, being written of such award, such award shall convey said land so awarded to the said Mayor and Aldermen of the City of Savannah, which shall be in fee simple. The powers, remedies and procedure herein set out shall be in addition to and cumulative of those now or hereafter conferred by other laws.

The Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to build or construct an aqueduct or conduit for the purpose of conveying water from any point of the Savannah River, which they may select, beyond the limits of said city, to such point in said city as they may think proper and, for that purpose, to take and use, as a right of way for such aqueduct or conduit, any land not exceeding thirty feet in width between such points; provided, that before such land shall be so taken and used, the owner or owners of such land shall be notified in writing of the amount and location of the land which it is desired to use and, if such owner or owners and said Mayor and Aldermen cannot or do not agree at once upon the terms and conditions upon which such land shall be taken as a right of way as aforesaid, the Mayor of said city shall appoint an assessor, and the owner or owners of such land shall appoint another, and the two so appointed shall appoint a third, or if they cannot, or do not agree upon a third within five days after being notified of their selection, then the ordinary of Chatham County shall appoint such third assessor; and if the owner or owners of such land does or do not appoint an assessor as aforesaid, within five days after he, or they, is or are, so notified as aforesaid, the said ordinary shall appoint two assessors, and the three assessors so appointed by any of the foregoing methods shall determine and assess the amount of money to be paid by said city for such right of way through the tract of land for which they are appointed, and the decision of any two of such assessors shall be final and binding on the parties, except that in all cases there may

be an appeal by either party to the superior court of Chatham County, under the usual rules governing appeals to that court, and such decision shall describe the land taken as a right of way, and the amount of money to be paid for it, and shall be made in duplicate, and one original given to the said owner, or owners, and the other to said Mayor and Aldermen and, upon the payment by said Mayor and Aldermen of the sum awarded, and a receipt therefor, being written of such award, such award shall convey an easement in said land so awarded to the said the Mayor and Aldermen of the City of Savannah, which shall continue so long as said land shall be used by said city for the purpose of said water main, and no longer, the land awarded to said the Mayor and Aldermen of the City of Savannah in fee simple. (Ga. L. 1878-79, p. 306, § 1; Ga. L. 1929, p. 1281, § 2.)

Sec. 1-2503. Authority relative to lead connections.

The Mayor and Aldermen of the City of Savannah shall have full power and authority to control, direct and have made all lead connections, whether the street is to be paved or not, when said connection or connections are made to any water main, and to charge therefor a reasonable cost; and in case said bill is not paid, shall have, independent of any other means of collection heretofore had by the city for the collection of matters in connection with the water department, the power to issue an execution against said owner of the property to where the connection shall run, for such amount as it may cost them to do such work, with cost, or against the person requesting said work to be done which execution shall be issued, levied and returned and directed as a tax execution against owners of returned property in said city; and to have power to proceed with said execution under the same powers and provisions of the executions issued under section 1-2216 of this Code. This section of this Act shall in no wise impair or repeal any Act heretofore passed by the General Assembly of the State of Georgia in connection with the collection of water bills, or the installation of water mains in the City of Savannah, or any ordinances of said city, but shall be in addition thereto. (Ga. L. 1927, p. 1526, § 4.)

Sec. 1-2504. Duty to provide service in all parts of city; reduced charges for large consumers.[8]

The Mayor and Aldermen of the City of Savannah shall provide city water service in all parts of the present corporate limits of the City of Savannah on an equal basis and at the same rate to all users in proportion to the amount of water used, and nothing in this section shall be deemed to prevent the city from making a reduced charge to users of more than a minimum quantity of water. (Ga. L. 1951, p. 2294, § 4.)

Sec. 1-2505. Right to extend facilities and services into Chatham County.

The Mayor and Aldermen of the City of Savannah may extend their water plants, waterworks, water mains, water facilities and water services anywhere within the County of Chatham, and may furnish and sell water to consumers and users of the same anywhere within the limits of the County of Chatham; provided, however, that all persons and property so furnished water by said municipal authority shall be liable to all rules and regulations, pains and penalties relative to the supply of water prescribed for the citizens and property within the said corporate limits, and to such other rules and regulations as may be prescribed by the said Mayor and Aldermen. (Ga. L. 1918, p. 887, § 1; Ga. L. 1946, p. 616, § 3.)

Sec. 1-2506. Charges to consumers in Bonaventure and Laurel Grove Cemeteries.

All rates and charges for water furnished to or used by consumers or lot owners in Bonaventure and Laurel Grove Cemeteries in Savannah or Chatham County, Georgia, shall be fixed and established by the Mayor and Aldermen of the City of Savannah, and the collection of all water rents or charges for water used in said cemeteries shall be under the jurisdiction of said Mayor and Aldermen. (Ga. L. 1933, p. 1051, § 8.)

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8. As to authority to collect ad valorem taxes when water service has been provided, see § 1-2408.

Sec. 1-2507. Repair of plumbing which causes water waste.

The Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to pass ordinances requiring that faulty or defective plumbing shall be repaired or corrected by the city authorities after ten days' notice has been given the owner or the agent of said premises to repair or correct the same, where the existence of such faulty or defective plumbing causes the wastage or leaking of water upon any premises to which water is furnished by the water department of the City of Savannah. The Mayor and Aldermen of the City of Savannah are authorized to make reasonable charges therefor against the owners of the property and to enforce collection of such charges where the same remains due and unpaid for a period of thirty days by execution to be issued by the city treasurer of said city against the owner of said premises upon which is situated such faulty or defective plumbing, and against such other person or persons as may be liable therefor. The said execution shall be a lien upon the said property or premises and, when recorded in the general execution docket of Chatham County, Georgia, shall be a lien on all of the property of the defendant or defendants in execution from the date of such record. The said execution shall be levied and the property sold in the manner now provided for the levying and collection of executions issued by said City of Savannah for water rents, and the proceedings and provisions for the filing of an affidavit of illegality by the defendant or defendants in execution, as well as the proceedings for the filing of a claim to the property levied upon by a third person, shall, in all respects, be similar to the proceedings and provisions of the law applicable to the levying of executions for water rents by the said Mayor and Aldermen of the City of Savannah. (Ga. L. 1924, p. 683, § 3.)

Sec. 1-2508. Execution for water charges.[1]

The Mayor and Aldermen of the City of Savannah shall have authority to enforce the collection of water rents and water charges for water furnished from the municipal waterworks when such rents and charges are due and remain unpaid for a period of ninety days, by execution to be issued by the city treasurer against the owners of the premises upon which the water is furnished, and such

1. For ordinance provisions as to waiver of rights to issue execution for water rent, see § 37-237.

other persons as may be liable therefor. The said execution shall be a lien upon the said premises, and when recorded in the general execution docket of Chatham County, Georgia, shall be a lien upon all of the property of the defendants in execution from the date of such record.

The said execution may be levied by the marshal of said city or his deputy, and after advertisement and other proceedings, as in cases of sales for city tax, the property levied upon shall be sold at public outcry to the highest bidder, and such sale shall vest an absolute title in the purchaser; provided, that the defendant shall have the right to file an affidavit denying that the whole or any part of the amount for which the execution issued is due, and stating what amount he admits to be due, which amount so admitted to be due shall be paid or collected before the affidavit is received, and the affidavit received for the balance; all affidavits shall set out in detail the reasons why the affiant claims the amount is not due, and when received by the city marshal shall be returned to the municipal court of Savannah, if the amount contested is one hundred dollars or under, and to the superior court of Chatham County, Georgia, if the amount contested is over one hundred dollars, and there tried and the issue determined as in case of illegality for delay.

In case a third person claims the property levied upon, such third person shall file with the city marshal a claim affidavit and bond, or pauper affidavit, as now provided by law in claim costs, and if the amount of execution is one hundred dollars or under, the said execution, with the claim affidavit and bond or pauper affidavit, as the case may be, shall be returned to the municipal court of Savannah, and if the execution is for a sum over one hundred dollars, the same shall be returned to the superior court of Chatham County, Georgia, and there tried and the issue determined as in claim cases, subject to all the pains and penalties provided for in cases of claims filed for the purpose of delay. (Ga. L. 1918, p. 887, § 3.)

ARTICLE II. INDUSTRIAL AND DOMESTIC WATER SUPPLY COMMISSION.[2]

Sec. 1-2509. Created; purpose.

There is hereby created and established an industrial and domes-

2. For ordinance provisions relative to expenses of the industrial and domestic water supply commission, see § 37-235.

tic water supply commission to act as an operating agency of the Mayor and Aldermen of the City of Savannah. (Ga. L. 1949, p. 785, § 1.)

Sec. 1-2510. Composition; terms of members.

Said industrial and domestic water supply commission shall consist of five members who are hereby named as follows:

Thomas M. Johnson, chairman, James E. Carolan, Nephew K. Clark, B. I. Friedman, I. C. Helmly, whose terms are as follows: The chairman, Thomas M. Johnson, shall serve for a term of five years; James E. Carolan shall serve for a term of four years; Nephew K. Clark shall serve for a term of three years; B. I. Friedman shall serve for a term of two years; and I. C. Helmly shall serve for a term of one year. (Ga. L. 1949, p. 785, § 1.)

Sec. 1-2511. Qualifications of members.

The members of the industrial and domestic water supply commission shall be citizens of the State of Georgia and residents of Chatham County. No person shall be eligible for membership on said commission who, at the time of approval of this Act,[3] or at any time within one year prior to the approval of this Act, holds or shall have held any remunerative public office or position or any employment for compensation, except as an independent contractor, with the United States, the State of Georgia, or any political subdivision of either; and, no future member, at the time of his appointment, nor within one year prior thereto, nor during his term of membership, shall hold any such office, position or employment. Except as provided aforesaid, any member otherwise qualified, shall be eligible for reappointment. (Ga. L. 1955, p. 3338, § 1.)

Sec. 1-2512. Vacancies.

Whenever any vacancy [on the industrial and domestic water supply commission] occurs by expiration of term of office [or] by death, resignation or otherwise, said vacancy shall be filled by appointment or appointments to be made by the Mayor and Aldermen of the City of Savannah from a list of names submitted and nominated by remaining members of said commission, which appointment or appointments, must, thereafter, be approved and confirmed

3. March 7, 1955.

by a majority vote of the members of the Board of Aldermen of the City of Savannah. (Ga. L. 1949, p. 785, § 1.)

Sec. 1-2513. General duties.

Said industrial and domestic water supply commission, as created, is charged with the duty of administering the construction, improvement and operation of the industrial and domestic water supply system which shall be kept and maintained separate and distinct from the water department of the Mayor and Aldermen of the City of Savannah. (Ga. L. 1949, p. 785, § 1.)

Sec. 1-2514. Authority relative to employees generally.

Said industrial and domestic water supply commission is authorized and empowered to select the type of employees, the number of employees and tofix the compensation of all employees necessary in the operation and maintenance of said industrial and domestic water supply plant. (Ga. L. 1955, p. 3338, § 1.)

Sec. 1-2515. Employment of engineer and secretary.

The industrial and domestic water supply commission is authorized to employ a skilled engineer as a superintendent of said water plant, to fix his compensation and to employ a secretary of said commission and fix the compensation for said secretary. (Ga. L. 1955, p. 3338, § 1.)

Sec. 1-2516. Legal services.

Legal services for said industrial and domestic water supply commission shall be supplied by the legal department of the City of Savannah. (Ga. L. 1955, p. 3338, § 1.)

Sec. 1-2517. Contracts—Generally.

The industrial and domestic water supply commission, as an agency of the Mayor and Aldermen of the City of Savannah, is hereby authorized and empowered to enter into contract with other domestic and industrial outlets of potable Savannah River water, as well as with the Mayor and Aldermen of the City of Savannah, for the sale of water produced by said industrial and domestic water supply system. All of said contracts are authorized for a period of

time and at a price of rate to be agreed upon by the consumer and the industrial and domestic water supply commission, subject to the approval of the Mayor and Aldermen of the City of Savannah.

All said contracts shall be authorized by the assent of the majority of said industrial and domestic water supply commission, approved by the Mayor and Aldermen of the City of Savannah and executed by the chairman and secretary of said commission.

Said commission is further authorized and empowered to enter into any and all contracts necessary in the construction, maintenance and operation of said industrial and domestic water supply system, subject to the approval of the Mayor and Aldermen of the City of Savannah. (Ga. L. 1946, p. 616, § 2.)

Sec. 1-2518. Same—With Mayor and Aldermen.

For the purpose of increasing the present domestic water supply of the City of Savannah, the Mayor and Aldermen of the City of Savannah are hereby authorized and empowered to contract with the industrial and domestic water supply commission to purchase potable Savannah River water to be produced by the industrial and domestic water supply system and to pay for the same as any other consumer under similar contract. (Ga. L. 1946, p. 616, § 1.)

ORDINANCES

TITLE 2.

GENERAL PROVISIONS.

§ 2-101. How Code designated and cited.
§ 2-102. Rules of construction.
§ 2-103. Severability of parts of Code.
§ 2-104. Catchlines of sections.
§ 2-105. General penalty; continuing violations.
§ 2-106. Detention of arrested persons.
§ 2-107. Appearance bond or deposit of arrested persons.
§ 2-108. Convict labor on public works.
§ 2-109. Certiorari from police court and forfeiture of supersedeas bonds.
§ 2-110. Fiscal year.

Sec. 2-101. How Code designated and cited.

The ordinances embraced in the following titles and section shall constitute and be designated "The Code of the City of Savannah, 1958," and may be so cited. Such Code may also be cited as "Savannah Code."

Sec. 2-102. Rules of construction.

In the construction of this Code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

City. The words "city", "the city" or "this city" shall be construed as if the words "of Savannah" followed them.

Computation of time.[4] Unless otherwise specifically provided, the time within which an act is required by law to be done shall be computed by excluding the first day or the last; except, that if the last day shall fall on Sunday or a legal holiday, another day shall be added in the computation.

Council. Wherever the term "council" or "city council" is used, the same shall be held to mean the "Mayor and Aldermen of Savannah in council assembled."

County. The words "the county" or "this county" shall mean Chatham County, Georgia.

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4. For similar state law, see Ga. Code Ann., § 102-102.

Gender.[5] A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males, unless the context indicates otherwise.

Joint authority.[6] All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers, or to a quorum.

Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.

Land. "Land" and "real estate" includes rights and easements of an incorporeal nature.

Month.[7] The word "month" shall mean a calendar month.

Number.[8] The singular or plural shall each include the other, unless expressly excluded.

Oath. The word "oath" includes affirmation.[9] When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples against taking an oath. An affirmation has the same force and effect as an oath.

Owner. The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or person in possession under a bond for title.

Person. The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. "Personal property" includes every specie of property, except real property, as defined in this title.

Property.[1] "Property" includes real, personal and mixed estates and interests.

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5. For similar state law, see Ga. Code Ann., § 102-102.
6. For similar state law, see Ga. Code Ann., § 102-102.
7. For similar state law, see Ga. Code Ann., § 102-103.
8. For similar state law, see Ga. Code Ann., § 102-102.
9. For similar state law, see Ga. Code Ann., § 102-103.
1. For similar state law, see Ga. Code Ann., § 102-103.

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 pedestrians, except crosswalks.

Real property. "Real property" shall include lands, tenements and hereditaments.

Signature or subscription.[2] "Signature" or "subscription" includes a mark intended as such when the person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Georgia.

Street. Whenever the word "street" is mentioned in this Code, it shall be construed to include a public highway, road, avenue, court, way, lane or alley; and, it shall also be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the city council.

Tenant or occupant. The word "tenant" or "occupant", applied to a building or 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.

Written, in writing. "Written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year.[3] The word "year" shall mean a calendar year.

Sec. 2-103. 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.

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2. For similar state low, see Ga. Code Ann., § 102-103.
3. For similar state law, see Ga. Code Ann., § 102-103.

Sec. 2-104. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type 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.

Sec. 2-105. General penalty;[4] continuing violations.

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of such provision of this Code or any such ordinance shall be punished by a fine not to exceed five hundred dollars or imprisonment in the city jail for not more than thirty days. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

Sec. 2-106. Detention of arrested persons.

Whenever any person is committed to the police station for a violation of this Code or any other ordinance of the city, he shall be detained until the next morning and then brought before the police court; provided, however, that, no person shall be detained at the police station, unless it appears that there was just cause for the arrest. (Code 1945, § 48-155.)

Sec. 2-107. Appearance bond[5] or deposit of arrested persons.

Any person arrested and committed to the police station for a violation of this Code or other ordinances of the city may be released upon entering into a recognizance in the penal sum of one hundred dollars, and with an approved surety in the like sum, jointly and severally conditioned in each case for the appearance of the person charged with the offense at the police court at its appointed hour of meeting, unless it shall appear to the officer in command that the peace and good order of the city will be endangered by his discharge.

When an arrest is made for the violation of this Code or any other ordinance of the city, the party arrested may deposit with the official in charge, in his discretion, a sum of money to insure the appearance of such person in the police court for trial, such deposit to be in lieu of the bond required by this section, and to be not less than ten dollars nor more than five hundred dollars. (Code 1945, §§ 48-155, 48-156.)

Sec. 2-108. Convict labor on public works.[6]

The recorder or other presiding officer of the police court is hereby authorized to sentence persons convicted in the police court to labor on the streets or other public works in or around the city for and during the term of such sentence, and to provide for confinement and labor on the streets or other public works in or around the city as an alternative of not paying the fine assessed by the court. The police headquarters, the city prison and the yard adjoining them and the buildings on such yard are declared and ordained to be part of the public works of the city for the purposes of this section. (Code 1945, § 48-163.)

Sec. 2-109. Certiorari[7] from police court and forfeiture of supersedeas bonds.[8]

When final judgment is rendered in any case carried by certiorari from the police court, the clerk of the police court shall im-

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4. For special legislative authority of the police court to inflict punishment for the violation of city ordinances, see § 1-502. For provisions relative to suspension, modification, etc., of penalties, see §§ 1-521, 1-522. As to indeterminate confinement of diseased person, see § 1-527.

5. For special legislative provisions relative to the forfeiture of appearance bonds in the police court, see §§ 1-525, 1-526.

6. For special legislative authority of the city to require convicts to labor on the public streets, squares and lanes, see § 1-141. For requirement that persons sentenced to labor by the recorder's court be turned over to the mayor and aldermen, see § 1-142. As to authority to sentence convicts to the county chain gang, see § 1-143.

7. For state law as to certiorari generally, see Ga. Code Ann, Title 19. For special legislative provisions granting the right of certiorari from decisions of the recorder, see § 1-523.

8. For special legislative provisions relative to forfeiture of bonds, see §§ 1-525, 1-526.

mediately procure a copy of such final judgment and present the same to the recorder of the police court. Thereupon, the recorder shall enter such judgment in the case as shall conform to the final judgment on certiorari. If a new trial is ordered, the case shall be placed upon the docket in the regular order with other cases and shall be retried as soon as possible.

If the judgment of the police court is affirmed with direction by the final judgment on certiorari, then the recorder shall amend his judgment in conformity therewith.

Where certiorari from the police court has been dismissed, refused or a judgment of the recorder of the police court has been affirmed with direction, such disposition of the certiorari shall be noted upon the docket and proper records of the police court and, if there has been a supersedeas bond filed by the defendant and the defendant fails to appear immediately to abide the final judgment in the case, and has not been arrested by the police and is not in confinement pursuant thereto, the supersedeas bond shall be forfeited as follows:

The clerk of the police court shall issue a scire facias, which shall be served by any policeman of the city two days before the return thereof, against the principal and his surety, calling on them to show cause, within five days from the date of such scire facias, why the bond should not be forfeited. If, at the return time of the scire facias, no sufficient cause is shown to the contrary, judgment shall be entered upon the bond against the principal and his surety. On the entering of judgment on any such bond, the clerk of the police court shall issue execution against the principal on his bond and his surety in conformity to the judgment and the same shall be placed in the hands of the city marshal, who shall proceed to collect the same as other executions in favor of the city are collected.

In case a supersedeas bond is given as provided in section 19-214, Georgia Code Annotated, providing for the forfeiture of supersedeas bonds in cases carried by certiorari from police courts, in any case tried in the police court of the city, where a defendant is convicted of violating a municipal ordinance of the city and no petition is presented to or sanctioned by a judge of the superior court within the time such petition may be presented, or if sanction is refused and no appeal is taken to a higher court, then the supersedeas bond so given shall be forfeited in the manner above set out. (Code 1945, §§ 48-160 to 48-162.)

Sec. 2-110. Fiscal year.

The fiscal year of the city shall end on the thirty-first day of December annually. (Code 1945, § 19-103.)

TITLE 3.

ADMINISTRATION.[9]

Chap.
3-1. In General, §§ 3-101 to 3-126.
3-2. Mayor, §§ 3-201 to 3-203.
3-3. Clerk of Council, §§ 3-301 to 3-313.
3-4. City Attorney, §§ 3-401 to 3-411.
3-5. Department of Public Improvements, §§ 3-501 to 3-508.
3-6. Department of Finance, §§ 3-601 to 3-614.
3-7. City Treasurer, §§ 3-701 to 3-715.
3-8. Recorder Pro Tem., §§ 3-801 to 3-804.
3-9. Paymaster, §§ 3-901 to 3-905.
3-10. Recreation Commission, §§ 3-1001 to 3-1009.
3-11. Board of Managers for Savannah Public Library, §§ 3-1101 to 3-1107.
3-12. Board of Trustees for Carnegie Library, §§ 3-1201 to 3-1204.
3-13. Sinking Fund, §§ 3-1301 to 3-1312.

Chapter 3-1. In General.

§ 3-101. City office hours.
§ 3-102. Public council meetings.
§ 3-103. Meetings of council which fall on holidays.
§ 3-104. Sale of city property generally.
§ 3-105. Future sale of city property on ground-rent basis prohibited.
§ 3-106. Re-entry and sale of land previously sold on ground-rent basis.
§ 3-107. Monthly reports of department heads.
§ 3-108. Suspension or removal of officers.
§ 3-109. Signatures on checks or vouchers drawn on city funds.
§ 3-110. Return of money received by officers—Required.
§ 3-111. Same—Notice to manager upon failure to make.
§ 3-112. Fees of office to be paid into treasury.
§ 3-113. Aldermen and officers not to be sureties.
§ 3-114. Bond of city manager.

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9. For special legislative provisions relative to administration generally, see ch. 1-2. For provisions relative to civil service, see ch. 1-4.

§ 3-115. Bond of director of finance.
§ 3-116. Group insurance for employees—Generally.
§ 3-117. Same—Deductions of premiums from salaries.
§ 3-118. Same—Withdrawal from plan.
§ 3-119. Same—Cancellation by city.
§ 3-120. Retirement of employees and officers—Generally.
§ 3-121. Same—Notice and pension.
§ 3-122. Old age and survivor's insurance—Extension of benefits to employees.
§ 3-123. Same—Execution of agreements.
§ 3-124. Same—Withholdings.
§ 3-125. Same—Appropriations.
§ 3-126. Same—Records and reports.

Sec. 3-101. City office hours.

The offices of the city shall be open daily, Saturdays, Sundays and holidays excepted, for the transaction of public business, between the hours of 8:30 A. M. and 5:00 P. M. (Code 1945, § 13-120.)

Sec. 3-102. Public council meetings.

At all times, except when matters relating to the finances of the city or the public health are under consideration, where the council is sitting as a committee of the whole, if any person other than an officer or employee of the city is allowed to appear before the committee or be present at the meeting, such meeting of the committee of the whole, at such times, shall be public. (Code 1945, § 19-104.)

Sec. 3-103. Meetings of council which fall on holidays.

Where the day for a meeting of the council falls upon a day which is a legal holiday in this state, such meeting shall be held upon a day and at an hour to be designated by the mayor or acting mayor, within four days either before or after such legal holiday, at which meeting all matters shall be taken up which might properly have come before the meeting as regularly set. (5-20-49, § 2.)

Sec. 3-104. Sale of city property generally.

All sales of property belonging to the city shall be made at public outcry by the city marshal, before the county courthouse upon the first Tuesday in any month, and shall be between the legal hours

of sale fixed by the laws of the state.[1] All property so offered for sale shall be advertised by publishing the resolution of the council under which it is sold for five days before the day of sale in a newspaper published in the city.

Any property belonging to the city may be sold at private sale under a resolution adopted by the council whenever, in its judgment, better terms can be obtained than selling at public outcry. Condemned livestock belonging to the city, which is to be no longer used by the city, may be sold at a private sale, upon the best terms obtainable, under the direction of such officer as may be designated by the council. (Code 1945, § 12-119.)

Sec. 3-105. Future sale of city property on ground-rent basis prohibited.

It shall not hereafter be lawful to sell any part of the present or future domain of the city on stipulation for or reservation of ground rent as to any part of the value or price of such domain. (Code 1945, § 12-115.)

Sec. 3-106. Re-entry and sale of land previously sold on ground-rent basis.

The time, place and manner of the sale of property in the city re-entered for the nonpayment of ground rent shall be the same as that provided for sheriffs' sales for state and county taxes, except that the advertisements shall be in a newspaper published in the city. In all notices given by the marshal for the re-entry of lots, the name of the owner or of the person who last paid rent shall be inserted, with a full description of the lot, in the advertisement. All property advertised under this section shall be placed in one column of the newspaper in which the same is advertised, headed "City Marshal Sales," and in no instance, if possible, shall the advertisements be scattered in such newspaper.

In all sales of property re-entered by the city for nonpayment of ground rent, the mayor and aldermen shall determine, by resolution duly passed in council, the minimum price for which the re-entered property shall be sold, and in no event shall the sale be made except for a sum sufficient to cover all arrearages of ground

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1. For state law as to the time of sales of property taken under execution, see Ga. Code Ann., § 39-1201.

rents, taxes and unpaid purchase money in the event that the fee in the property is sold.

For a re-entry by the marshal on each lot in arrears for ground rent, one dollar cost shall be paid by the owner thereof.

All sales of re-entered property heretofore made in accordance with this section are hereby validated and confirmed. (Code 1945, §§ 12-110, 12-112 to 12-114, 12-116, 12-117.)

Sec. 3-107. Monthly reports of department heads.[2]

It shall be the duty of the heads of all departments of the city government to submit to the city manager monthly reports covering the work of their departments for the preceding month. Such reports shall be made on the fifteenth day of each month and copies thereof shall be submitted to the mayor and aldermen. The furnishing of such monthly reports shall in nowise relieve the heads of departments from furnishing annual reports as required by this Code or other ordinances of the city. (Code 1945, § 13-128.)

Sec. 3-108. Suspension or removal of officers.

The mayor or acting mayor shall have the power to suspend any officer or person holding any appointment under the council for any violation of duty rendering it necessary to take such step, which suspension he shall report to the council within forty-eight hours afterwards. The alleged offense may be inquired into by the council and it shall, at all times, have the power to fine any of such officers for any violation of their duty, or for any misconduct in office, and to suspend and remove any of such officers from the respective offices, when convicted of any offense or misconduct which the council may deem a sufficient cause for such removal. (Code 1945, § 13-116; re-enacted 1-24-49, § 3.)

Sec. 3-109. Signatures on checks or vouchers drawn on city funds.

All checks and vouchers, except payroll checks, drawn on funds of the city on deposit in the several banks in the city, shall bear the signatures of any two of the three following officials: the city manager, the director of finance or the city treasurer. Payroll checks shall be signed only by the paymaster.

2. For special legislative requirement that reports be made to the city manager, see § 1-227.

Banks in which there is deposited funds belonging to the city are hereby authorized and directed to accept the signatures set forth above as the proper signatures on checks and vouchers drawn on such accounts. (Res. 4-15-55.)

Sec. 3-110. Return of money received by officers—Required.

All officials of the city who, from time to time in the course of their official duties, may collect moneys which belong to the city shall make written return of the same, specifying the amounts and detailing on what accounts, respectively, they are collected, to the city treasurer, taking proper vouchers therefor. (Code 1945, § 13-114.)

Sec. 3-111. Same—Notice to manager upon failure to make.

It shall be the duty of the city treasurer to give notice to the city manager whenever any city official handling city funds fails, for six consecutive days to make return to him as required by the preceding section. (Code 1945, § 13-115.)

Sec. 3-112. Fees of office to be paid into treasury.

All fees of office which are payable to city officers shall be by them received, accounted for and paid into the city treasury for the use of the city. Any failure on the part of any officer promptly to collect and pay over to the city any such fees or other dues and any want of due and proper diligence in regard thereto shall be deemed misconduct in office, and shall subject every such officer to removal from office. (Code 1945, §§ 13-112, 13-113.)

Sec. 3-113. Aldermen and officers not to be sureties.

No alderman or officer of the city shall be taken or received as the surety of any officer or employee of the city, for the discharge by such officer or employee of official or contract duty, or as surety of any person subject or liable to pay money or do other duty to the city. (Code 1945, § 13-108.)

Sec. 3-114. Bond of city manager.[3]

The city manager shall give bond to the council, in the amount of fifty thousand dollars, in such form and with such conditions as may be required by the council. (3-18-55, § 1.)

Sec. 3-115. Bond of director of finance.

The director of finance shall give bond to the council, in the amount of fifty thousand dollars, in such form and with such conditions as may be required by the council. (3-18-55, § 2.)

Sec. 3-116. Group insurance for employees[4]**—Generally.**

All persons, including elective officers, who enter the employ of the city, shall, as a condition of such employment, become insured under the city's group insurance contract; provided, that such insurance as to such employees shall become effective only when they have been employed by the city for ninety days.

For the purpose of this section, the word "employee" shall include all persons who are regularly employed by the city, or any commission or agency thereof, or elective or appointive officers thereof, but shall not include part-time or seasonal employees, who do not work more than ninety days in a calendar year for the city; nor, shall it include any salaries or compensation received by any such employee from any source other than the city, or a commission or agency thereof. (9-19-52, §§ 1, 5.)

Sec. 3-117. Same — Deductions of premiums from salaries.

On and after the ninetieth day after such employment, as is referred to in the preceding section begins, deductions for insurance premiums shall be made from the salary of such employee in accordance with the provisions of the city's insurance contract. (9-19-52, § 2.)

3. As to special legislative provisions relative to the city manager, see §§ 1-217 to 1-230.

4. For special legislative provisions relative to group insurance for employees, see § 1-209.

Sec. 3-118. Same—Withdrawal from plan.

No employee of the city, who becomes insured under the provisions of the city's group insurance contract may withdraw from such insurance plan, unless his employment is terminated as provided in such contract. (9-19-52, § 4.)

Sec. 3-119. Same—Cancellation by city.

The city shall not cancel its group insurance contract unless, at the time it does so, it makes provision for the continuance of the benefits secured to its employees, either by entering into another such contract or otherwise. (9-19-52, § 6.)

Sec. 3-120. Retirement of employees and officers[5]**—Generally.**

Every employee of the city, including the fire department, police department and all other departments of the city government, and all officers, exclusive of elective officers, who shall attain the age of sixty years may, in the discretion of the city council, be retired from service in any department. (Code 1945, § 13-133.)

Sec. 3-121. Same—Notice and pension.[6]

The city manager shall, in writing, notify each employee or officer retired under the preceding section. Any employee or officer so retired, shall be pensioned, if eligible for pension, under existing laws and ordinances, either with or without application for pension being made to the council. (Code 1945, § 13-134.)

Sec. 3-122. Old age and survivor's insurance—Extension of benefits to employees.

It is hereby declared to be the policy and purpose of the mayor and aldermen of the city, to extend at the earliest date possible, under the agreement entered into by the state and the federal security administration, to the employees and officials thereof, and its instrumentalities, not excluded by law, the benefits of the sys-

5. For special legislative authority of the mayor and aldermen to fix age limits for retirement and to retire employees who attain such age, see § 1-206.

6. For special legislative provisions relative to pensions, see ch. 1-15.

tem of old age and survivor's insurance, as authorized by the Federal Social Security Act and amendments thereto [7] and as provided for in Georgia Code Annotated, Chapter 99-21. (10-22-56, § 1.)

Sec. 3-123. Same—Execution of agreements.

The mayor is hereby authorized and directed to execute, on behalf of the city, all necessary agreements and amendments thereto with the state employees' retirement system and officials to include any employees that are in positions covered by a public retirement system, in the manner by law provided; provided, however, that there is hereby excluded any authority to make any agreement with respect to any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations. (10-22-56, §§ 2, 6.)

Sec. 3-124. Same—Withholdings.

Withholdings from salaries or wages of employees and officials for the purpose provided for in section 3-122 of this Code are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state agency. (10-22-56, § 3.)

Sec. 3-125. Same—Appropriations.

There shall be appropriated from general funds such amounts at such times as may be required by applicable state or federal law or regulations for employers' contributions, administrative expenses and a guaranty fund to assure that the state will not incur any debt or loss as a result of the agreement referred to in section 3-123 of this Code. Such funds shall be paid over to the state employees' retirement system in accordance with regulations established by such agency. (10-22-56, § 4.)

Sec. 3-126. Same—Records and reports.

The mayor and aldermen shall keep such records and make such reports, concerning the old age and survivor's insurance system, as may be required by applicable state or federal laws or regulations. (10-22-56, § 5.)

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7. See 42 U. S. C. A., ch. 7, §§ 301 et seq.

Chapter 3-2. Mayor.[8]

§ 3-201. Authority to fill certain vacancies.
§ 3-202. Closing places of public resort.
§ 3-203. Mayor pro tempore.

Sec. 3-201. Authority to fill certain vacancies.

The mayor is authorized and empowered, with the approval of the council, to fill any vacancy in a subordinate office, the incumbent of which is elected by the council, caused by death, resignation, removal or disability or from any other cause; such appointment to be effective until an election shall have been held at a regular meeting of the council. (Code 1945, § 13-105.)

Sec. 3-202. Closing places of public resort.[9]

The mayor shall cause to be shut up any place of public resort when the maintenance of order, public safety or tranquility may, in his judgment, require it. (Code 1945, § 37-104.)

Sec. 3-203. Mayor pro tempore.

The position of mayor pro tempore of the city is hereby created. The mayor pro tempore is hereby authorized and empowered to act in the absence of the mayor. The mayor pro tempore shall be elected by a majority vote of the council and shall serve during the term of office of the council. (Code 1945, § 37-103.)

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8. For special legislative provisions relative to vacancies in the office of mayor, see § 1-202. As to exemption of mayor from jury duty, see § 1-203. As to mayor's veto power, see § 1-205. As to powers and duties of mayor generally, see § 1-212. As to salary of mayor, see § 1-213. As to prohibition against mayor appointing officers and employees under the jurisdiction of the city manager, see § 1-215.

9. As to public amusements generally, see Tit. 28.

Chapter 3-3. Clerk of Council.

§ 3-301. Office created.
§ 3-302. Election and tenure.
§ 3-303. Bond.
§ 3-304. Compensation.
§ 3-305. Removal.
§ 3-306. Duties generally.
§ 3-307. Receipt of applications and petitions generally.
§ 3-308. Swearing of officers and policemen.
§ 3-309. Attendance at council meetings, etc.
§ 3-310. Recordation and indexing of council minutes.
§ 3-311. Books, records, etc.—Inspection.
§ 3-312. Same—Removal.
§ 3-313. Retention of copies of council proceedings and ordinances.

Sec. 3-301. Office created.

There is hereby created and established the office of clerk of the council for the city. (Code 1945, § 18-101.)

Sec. 3-302. Election and tenure.

The clerk of the council shall be elected to office by the mayor and aldermen and shall serve as such clerk at the pleasure of the mayor and aldermen. (Code 1945, § 18-101.)

Sec. 3-303. Bond.

The clerk of the council shall be required to give a bond in the penal sum of ten thousand dollars and in such form and with such conditions as may be required by the council. (Code 1945, § 18-101.)

Sec. 3-304. Compensation.

The clerk of the council shall receive such salary as may be fixed by the council and he shall receive no other compensation or pay. (Code 1945, §§ 18-101, 18-119.)

Sec. 3-305. Removal.

Any breach of the requirements of this chapter by the clerk of the council shall be deemed misconduct in office and shall be sufficient ground for removal from office. (Code 1945, § 18-120.)

Sec. 3-306. Duties generally.

In addition to the duties prescribed by this chapter and other ordinances of the city, the clerk of the council shall have such duties as may be fixed by the council. (Code 1945, § 18-101.)

Sec. 3-307. Receipt of applications and petitions generally.

It shall be the duty of the clerk of the council to receive and file all applications and petitions and to refer the same to the city manager for his recommendation to the city council. (Code 1945, § 18-102.)

Sec. 3-308. Swearing of officers and policemen.[1]

It shall be the duty of the clerk of the council to swear in all city officers elected by the mayor and aldermen and all persons appointed to the city police force. (Code 1945, § 18-110.)

Sec. 3-309. Attendance at council meetings, etc.

The clerk of the council shall attend the council at all regular and extra meetings thereof, and shall also attend the mayor or any of the aldermen when any business shall require his attendance. (Code 1945, § 18-104.)

Sec. 3-310. Recordation and indexing of council minutes.

The clerk of the council shall record, within a month after each meeting of the council, in a proper full-bound book, the minutes of the council, and index the same. (Code 1945, § 18-104.)

Sec. 3-311. Books, records, etc.—Inspection.

Books of minutes, records of ordinances and other valuable documents entrusted to the care of the clerk of the council shall be free and open to the inspection of any citizen. (Code 1945, § 18-106.)

Sec. 3-312. Same—Removal.

It shall be unlawful for any person, whether an officer of the city

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1. As to police generally, see Tit. 27.

or otherwise, to remove from the clerk of council's office any books of minutes, records of ordinances or other valuable documents. (Code 1945, § 18-106.)

Sec. 3-313. Retention of copies of council proceedings and ordinances.

It shall be the duty of the clerk of the council to keep true and fair copies of the proceedings of the council and of all ordinances passed by it, which shall be registered and remain of record in books to be kept for that purpose. (Code 1945, § 18-102.)

Chapter 3-4. City Attorney.

§ 3-401. Office created.
§ 3-402. Election.
§ 3-403. Salary.
§ 3-404. Duties generally.
§ 3-405. Duty to represent the city.
§ 3-406. Legal opinions.
§ 3-407. Attendance at council meetings.
§ 3-408. Assistants—Offices created.
§ 3-409. Same—Duties and supervision.
§ 3-410. Same—Compensation.
§ 3-411. Same—Appointment.

Sec. 3-401. Office created.

There is hereby created the office of attorney for the city.

Sec. 3-402. Election.

The city attorney shall be elected by the council. (Code 1945, § 10-101.)

Sec. 3-403. Salary.

The city attorney shall be paid such salary as may be fixed by the council. (Code 1945, § 10-101.)

Sec. 3-404. Duties generally.

It shall be the duty of the city attorney to be the legal advisor, counselor and advocate of the city. (Code 1945, § 10-102.)

Sec. 3-405. Duty to represent the city.

It shall be the duty of the city attorney to represent the city in all cases brought by or against the city in any of the courts of law or equity. (Code 1945, § 10-102.)

Sec. 3-406. Legal opinions.

It shall be the duty of the city attorney to give legal opinions upon any subject connected with the interests of the city, whenever such opinions are requested by the mayor and alderman or the city manager. (Code 1945, § 10-102.)

Sec. 3-407. Attendance at council meetings.

It shall be the duty of the city attorney to attend all the regular meetings of the council and also all extra and informal meetings, when requested by the mayor so to do. (Code 1945, § 10-104.)

Sec. 3-408. Assistants—Offices created.

There are hereby created the offices of two assistant city attorneys. (2-25-49, § 1.)

Sec. 3-409. Same—Duties and supervision.

The assistant city attorneys shall perform the same duties as those performed by the city attorney and shall work with and under the direction and supervision of the city attorney. (2-25-49, § 1.)

Sec. 3-410. Same—Compensation.

The assistant city attorneys shall be paid in the same manner as the city attorney and shall receive such compensation for their services as the council may prescribe. (2-25-49, § 1.)

Sec. 3-411. Same—Appointment.

The assistant city attorneys shall be appointed by the mayor on the recommendation of the city attorney and such appointments shall be confirmed by a majority of the members of the council present and voting. (2-25-49, § 1.)

Chapter 3-5. Department of Public Improvements.

§ 3-501. Established.
§ 3-502. Functions generally.
§ 3-503. Director—Office and title created.
§ 3-504. Same—Appointment.
§ 3-505. Same—Salary.
§ 3-506. Same—Powers and duties generally.
§ 3-507. Same—Right of entry.
§ 3-508. Same—Interference with markers erected by director.

Sec. 3-501. Established.

There is hereby established for the city a department of the city government to be known as the department of public improvements.

Sec. 3-502. Functions generally.

The functions of the department of public improvements shall consist of those activities described by the table of organization on file in the office of the clerk of the council.

Sec. 3-503. Director—Office and title created.

There is hereby created the office, title and position of director of public improvements.

Sec. 3-504. Same—Appointment.

The director of public improvements shall be appointed by the city manager.

Sec. 3-505. Same—Salary.

The director of public improvements shall receive such salary as the city manager may prescribe.

Sec. 3-506. Same—Powers and duties generally.

The director of public improvements shall be in charge of and shall administer the duties of the department of public improvements. He shall perform such other duties as are now or hereafter may be prescribed by this Code or other ordinances of the city or by the city manager.

Sec. 3-507. Same—Right of entry.

The director of public improvements, or any of his officers, assistants or employees, when so directed by him, shall have the right to enter any building or premises within the jurisdiction of the mayor and aldermen at any time for the purpose of the reasonable administration or enforcement of the duties of his office. (6-13-47, § 2.)

Sec. 3-508. Same—Interference with markers erected by director.[2]

It shall be unlawful for any person to change, remove, destroy, tamper or interfere with in any way any stake, peg or mark of any description erected or placed by the director of public improvements, or his authorized assistants, for the purpose of designating a property line or property within the corporate limits of the city. (Code 1945, § 11-120.)

Chapter 3-6. Department of Finance.

Article I. Generally.

§ 3-601. Established.
§ 3-602. Functions generally.

Article II. Director.

§ 3-603. Office created.
§ 3-604. Appointment and term.
§ 3-605. Salary.
§ 3-606. Custodian of unissued city bonds.
§ 3-607. Duty to keep set of general books.
§ 3-608. Accounts with collecting officers.
§ 3-609. Supervision of bookkeeping in other departments.
§ 3-610. Examination, audit, etc., of vouchers and claims.
§ 3-611. Monthly reconciliation of general ledges and auxiliary books.
§ 3-612. Monthly statement to city manager.
§ 3-613. Report of errors and discrepancies in records.
§ 3-614. Annual statement and balance sheet.

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2. As to injuring, defacing, etc., public property generally, see § 24-133.

ARTICLE I. GENERALLY.

Sec. 3-601. Established.

There is hereby established for the city a department of the city government to be known as the department of finance.

Sec. 3-602. Functions generally.

The functions of the department of finance shall consist of those activities described by the table of organization on file in the office of the clerk of the council.

ARTICLE II. DIRECTOR.

Sec. 3-603. Office created.

The office of director of finance is hereby created.

Sec. 3-604. Appointment and term.

The director of finance shall be appointed by the city manager to serve during the pleasure of the city manager.

Sec. 3-605. Salary.

The salary of the director of finance shall be such as is fixed by the city manager.

Sec. 3-606. Custodian of unissued city bonds.

The director of finance shall be custodian of all unissued bonds, whether unsigned or unapproved for issue or approved and signed, and shall deliver the same to the purchaser only after he has been advised by the city treasurer of the receipts of the purchase price thereof. (Code 1945, § 20-110.)

Sec. 3-607. Duty to keep set of general books.

The director of finance shall keep or exercise control over the keeping of a set of general books, in which shall be entered a complete record of all financial transactions of the city, properly classified under the captions applicable thereto. (Code 1945, § 20-105.)

Sec. 3-608. Accounts with collecting officers.

The director of finance shall maintain accounts with every officer of the city or other person authorized or required to receive, collect, disburse or dispose of any money, property or effects of the city, and shall keep such accounts as may be required or may be necessary to record the transactions with such persons. (Code 1945, § 20-105.)

Sec. 3-609. Supervision of bookkeeping in other departments.

It shall be the duty of the director of finance to supervise the maintenance of all books of accounts in other departments of the city government so as to insure the keeping of such books in a satisfactory manner. (Code 1945, § 20-105.)

Sec. 3-610. Examination, audit, etc., of vouchers and claims.

The director of finance shall examine, audit and pass upon all departmental vouchers and papers attached thereto and upon all claims against or in favor of the city, after these have been properly approved, and shall certify the same for eventual payment or collection. (Code 1945, § 20-106.)

Sec. 3-611. Monthly reconciliation of general ledger and auxiliary books.

The director of finance shall reconcile each month the controlling accounts in his general ledger with the auxiliary books in his office or in the office of any officer, clerk or employee responsible for the maintenance of any financial books and accounts. (Code 1945, § 20-107.)

Sec. 3-612. Monthly statement to city manager.

The director of finance shall render monthly a statement to the city manager, including a trial balance of the general books, in such a form as to exhibit an intelligible statement of the city's affairs and transactions. A copy of such statement shall be furnished to the city council by the city manager. (Code 1945, § 20-108.)

Sec. 3-613. Report of errors and discrepancies in records.

It shall be the duty of the director of finance to report to the city manager any and all errors or discrepancies which he knows to exist in any of the records under his control or supervision. (Code 1945, § 20-108.)

Sec. 3-614. Annual statement and balance sheet.

At the end of each fiscal year, the director of finance shall prepare a statement of the receipts and disbursements of the city, and of its revenues and expenditures, together with a complete report thereon, which statement he shall submit to the city manager, who shall furnish a copy of the same to the council. At the same time, the director of finance shall submit a balance sheet in such form as will disclose:

(1) The assets of the city arising from the collection of its current revenues and the liabilities incurred to meet current maintenance and operating expenses.

(2) The assets of the city arising from outlay on or additions to the permanent properties and equipment of the city, and such liabilities as may have been incurred by the issue of bonds and the like, in order to provide funds for such expenditure.

(3) The cash and investment arising from the amount set aside for redemption of funded debts and the total amount of the funds held for this purpose.

(4) The assets, including cash and investments, which are held in trust by the city for whatsoever purpose such trusts may have been created, such as pension funds, endowment funds, funds for perpetual care of cemetery lots, and the like, and the liabilities incurred in respect thereto.

(Code 1945, § 20-109.)

Chapter 3-7. City Treasurer.

§ 3-701. Office created.
§ 3-702. Appointment and tenure.
§ 3-703. Bond.
§ 3-704. Bonds of clerks.
§ 3-705. Acting treasurer.
§ 3-706. Receipt and payment of accounts passed by council.
§ 3-707. Safekeeping and deposit of funds.
§ 3-708. Duties relative to bonds and coupons.
§ 3-709. Issuance of executions.
§ 3-710. Books to be kept.
§ 3-711. Inspection of books.
§ 3-712. Duty to account for receipts and expenditures.
§ 3-713. Daily return to director of finance.
§ 3-714. Annual balance sheet or statement.
§ 3-715. Unauthorized expenditures.

Sec. 3-701. Office created.

There is hereby created the office of treasurer for the city.

Sec. 3-702. Appointment and tenure.

The city treasurer shall be appointed by the city manager and shall serve during the pleasure of the city manager.

Sec. 3-703. Bond.

The city treasurer shall give bond to the city in the penal sum of forty thousand dollars in such form and with such conditions as may be required by the council. (Code 1945, § 16-101.)

Sec. 3-704. Bonds of clerks.

It shall be the duty of each of the clerks employed in the office of the treasurer to give a bond for the faithful discharge of his duties, payable to the mayor and aldermen of the city, in the sum of five thousand dollars. The surety on such bonds shall be a surety company authorized by the laws of the state to do business in the state. (Code 1945, § 16-112.)

Sec. 3-705. Acting treasurer.

The city manager is authorized and empowered, in case of the

absence, illness or incapacity for any reason of the city treasurer, to appoint an acting treasurer, which appointment shall continue until revoked by the city manager. The acting treasurer, during the continuance of his appointment, shall have all the power and authority of the treasurer. (Code 1945, § 16-103.)

Sec. 3-706. Receipt and payment of accounts passed by council.

It shall be the duty of the treasurer to receive from the clerk of the council all accounts passed by the council and to pay the same. (Code 1945, § 16-106.)

Sec. 3-707. Safekeeping and deposit of funds.

The city treasurer shall receive and provide for the safekeeping of all funds belonging to the city and all of moneys held on deposit in whatever bank may be selected as a depository. It shall be his duty to deposit in such bank each day all moneys of the city that he receives. (Code 1945, § 16-104.)

Sec. 3-708. Duties relative to bonds and coupons.

The treasurer shall be the custodian of all bonds and coupons cancelled and shall report each day to the director of finance the amount of the bonds and coupons paid by him. He shall receive from the purchasers of all bonds the purchase price thereof and advise the director of finance of the amount so received. (Code 1945, § 16-104.)

Sec. 3-709. Issuance of executions.[3]

It shall be the duty of the treasurer to issue executions and place the same in the hands of the city marshal in the following cases:

1. For the costs and expenses of the marshal for removing encroachments on the lanes of the city. Such execution shall be issued against the party putting up or continuing such encroachment.
2. When the work of paving and grading sidewalks is done under the direction of the director of public improvements at the expense of the owners, and the owners fail to pay the cost of the same with-

3. As to general duties of marshal, relative to tax executions, see § 32-101. As to executions on unpaid taxes on land and improvements in industrial areas adjacent to the city, see § 32-117.

in thirty days from the date of the completion of the same, then the treasurer shall issue execution for the amount of the cost of the work and put the same in the hands of the marshal.

3. In each and every instance where a specific tax or license tax or any other form of tax obligation due the city remains unpaid, in whole or in part, for a period of thirty days after the same is due and payable under any provision of this Code or other ordinance of the city or law of the state.
4. In all other cases required by this Code or other ordinance of the city.

(10-17-47, § 1.)

Sec. 3-710. Books to be kept.

The city treasurer shall keep just, regular and fair books of account and other books necessary to carry out the provisions of this chapter and any other ordinance passed in reference to his office or duties. He shall keep such books as may be approved for this purpose in such a manner as to show a proper and intelligible record of the revenue collected by him from each source and of the revenue remaining uncollected. He shall also keep in suitable books, the form of which shall be approved by the city council, a record of all cash received and disbursed, specifying the funds to which the receipts have been credited and from which fund moneys have been disbursed. (Code 1945, § 16-104.)

Sec. 3-711. Inspection of books.

Books kept by the city treasurer shall, at all times, be subject to inspection by the city council, or any member thereof, and by the director of finance and the city manager. (Code 1945, § 16-104.)

Sec. 3-712. Duty to account for receipts and expenditures.

Whenever required by the council, mayor or city manager, the city treasurer shall well and truly account for all money received by him and specify in what manner the same has been expended. (Code 1945, § 16-105.)

Sec. 3-713. Daily return to director of finance.

The city treasurer shall make a return each day to the director of finance of the total amount of his collections in such form as to

specify the sums collected from each source. (Code 1945, § 16-104.)

Sec. 3-714. Annual balance sheet or statement.

It shall be the duty of the treasurer to make out and furnish to the city manager a yearly balance sheet or statement of all moneys received and paid through the city treasury, from the first day of January to the thirty-first day of December. The city manager shall furnish a copy of such balance sheet or statement to the council. (Code 1945, § 16-109.)

Sec. 3-715. Unauthorized expenditures.

The city treasurer shall not, without the order of the city council or city manager, or under the direction of some ordinance, pay any sum of money out of the city treasury. (Code 1945, § 16-105.)

Chapter 3-8. Recorder Pro Tem.[4]

§ 3-801. Selection.
§ 3-802. Powers and jurisdiction.
§ 3-803. When to serve.
§ 3-804. Subject to same rules, regulations, etc., as recorder.

Sec. 3-801. Selection.

There shall be selected by a majority of the aldermen and the mayor a recorder pro tem. to serve in the absence or disability of the recorder of the police court. (Code 1945, § 48-150.)

Sec. 3-802. Powers and jurisdiction.

The recorder pro tem. shall have like powers and jurisdiction as now provided by law and the ordinances of the city for the duly elected recorder. (Code 1945, § 48-151.)

Sec. 3-803. When to serve.

The recorder pro tem. shall serve during the absence or disability

4. For special legislative provisions relative to the recorder pro tem., see § 1-513.

of the recorder, but the mayor shall, at all times, have the authority of designating a member of the council to hold court, with the same powers as now provided for aldermen to preside as recorder of the police court[5] and this chapter shall in no way affect the rights of the mayor and aldermen to preside in the police court that now exist, but the recorder pro tem. shall be in addition to those regularly authorized to preside as recorder. (Code 1945, § 48-153.)

Sec. 3-804. Subject to same rules, regulations, etc., as recorder.

Except as otherwise provided in this chapter, the recorder pro tem. shall be subject to all of the rules, regulations, ordinances and laws that the regular recorder is subject to. (Code 1945, § 48-153.)

Chapter 3-9. Paymaster.

§ 3-901. Office created.
§ 3-902. Appointment and tenure.
§ 3-903. Duties generally.
§ 3-904. To work in office of director of finance.
§ 3-905. To work under supervision of director of finance.

Sec. 3-901. Office created.

There is hereby created the office of paymaster for the city. (Code 1945, § 16-113.)

Sec. 3-902. Appointment and tenure.

The paymaster shall be appointed to office by the director of finance, subject to the approval of the city manager, and he shall hold office until such time as his successor is appointed. (Code 1945, § 16-113.)

Sec. 3-903. Duties generally.

The paymaster, in addition to his duties and responsibilities in the handling of all pay checks of the city, shall perform such other duties as may be prescribed for him by the director of finance, under the direction of the city manager. (Code 1945, § 16-114.)

5. See § 1-512.

Sec. 3-904. To work in office of director of finance.

The paymaster shall perform his duties in the office of the director of finance. (Code 1945, § 16-114.)

Sec. 3-905. To work under supervision of director of finance.

The paymaster shall work under the direction and subject to the orders of the director of finance, who shall be his superior officer. (Code 1945, § 16-114.)

Chapter 3-10. Recreation Commission.[6]

§ 3-1001. Established; title.
§ 3-1002. Composition.
§ 3-1003. Appointment and terms of members.
§ 3-1004. Qualifications of members.
§ 3-1005. Eligibility of members for reappointment.
§ 3-1006. Chairman.
§ 3-1007. Supervision of playgrounds and recreation policy.
§ 3-1008. Rules and regulations.
§ 3-1009. Cooperation with other agencies.

Sec. 3-1001. Established; title.

There is hereby established a recreation commission for the city to be known as the "Savannah Recreation Commission". (Code 1945, § 49-117.)

Sec. 3-1002. Composition.

The recreation commission shall be composed of seven members. (Code 1945, § 49-118.)

Sec. 3-1003. Appointment and terms of members.

The members of the recreation commission shall be appointed by the mayor, with the approval of the council, and shall be appointed for terms of three years. (Code 1945, § 49-119.)

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6. For special legislative provisions relative to parks and recreation generally, see ch. 1-13. For authority of the mayor and aldermen to establish a recreation commission, see § 1-1303.

Sec. 3-1004. Qualifications of members.

Each member of the recreation commission must be twenty-one years of age or more and must have resided within the corporate limits of the city for five years or more immediately prior to his appointment to the commission. (Code 1945, § 49-118.)

Sec. 3-1005. Eligibility of members for reappointment.

Every member of the recreation commission shall be eligible for reappointment at the expiration of his term of office. (Code 1945, § 49-119.)

Sec. 3-1006. Chairman.

The recreation commission shall have a chairman, who shall be appointed by the mayor, with the approval of the council, and who shall serve for a period of one year. The chairman shall be subject to reappointment from time to time at the expiration of his term as such in the same manner as the original appointment. (Code 1945, § 49-121.)

Sec. 3-1007. Supervision of playgrounds and recreation policy.

It shall be the duty of the members of the recreation commission to manage, direct and care for all municipal playgrounds in the city and to supervise and carry out the recreation policy in order to fit the needs of the inhabitants of the city. (Code 1945, § 49-120.)

Sec. 3-1008. Rules and regulations.

The recreation commission shall recommend to the city council rules and regulations necessary for the operation of the commission or incidental thereto and, upon such recommendation being made, the council shall carefully consider such recommendations and, if it approves of the same, it shall consider the adoption of an ordinance incorporating such rules and regulations, which shall have the force and effect of law. (Code 1945, § 49-120.)

Sec. 3-1009. Cooperation with other agencies.

The recreation commission shall cooperate with the members of educational and other agencies furnishing recreation to the general public. (Code 1945, § 49-120.)

Chapter 3-11. Board of Managers for Savannah Public Library.

§ 3-1101. Created.
§ 3-1102. Composition.
§ 3-1103. Appointment and terms of members.
§ 3-1104. Vacancies.
§ 3-1105. Reappointment of members.
§ 3-1106. Chairman and vice-chairman.
§ 3-1107. Powers and duties.

Sec. 3-1101. Created.

A board of managers for the Savannah Public Library is hereby created. (Code 1945, § 6-127.)

Sec. 3-1102. Composition.

The board of managers for the Savannah Public Library shall consist of twelve members, plus the mayor, who shall be an ex officio member of the board, with the same powers as other members thereof. (Code 1945, § 6-127.)

Sec. 3-1103. Appointment and terms of members.

The members of the board of managers for the Savannah Public Library shall be appointed by the mayor, subject to the approval of the council.

All appointments to the board of managers shall be for six years and shall be made not later than the last meeting in November of the year prior to January first of the ensuing year, when the appointment is to take effect. (Code 1945, § 6-127; 1-23-53, § 1.)

Sec. 3-1104. Vacancies.

Any vacancies on the board of managers for the Savannah Public Library caused by resignation, death or otherwise, may be filled by the mayor, subject to the approval of the council, at any regular meeting thereof. (Code 1945, § 16-128.)

Sec. 3-1105. Reappointment of members.

No member of the board of managers for the Savannah Public Library, who has served on the board either a full or unexpired

term shall be eligible for reappointment, until at least one year after his term of office has elapsed. (1-23-53, § 2.)

Sec. 3-1106. Chairman and vice-chairman.

The board of managers of the Savannah Public Library shall have a chairman and vice-chairman, selected by the board. (Code 1945, § 6-129.)

Sec. 3-1107. Powers and duties.

The board of managers of the Savannah Public Library shall have complete control of the management of the library and shall generally control its affairs, but the expenditure of all funds appropriated by the city for the support of the library shall be subject to the rules of the council, regulating other expenditures of the city. The board of managers shall, at the close of each year, make a complete statement to the council of all their actings and doings and shall, in addition, present to the council any information or reports required by it from time to time. (Code 1945, § 6-130.)

Chapter 3-12. Board of Trustees for Carnegie Library.

§ 3-1201. Composition; election and terms of members.
§ 3-1202. Powers and duties generally.
§ 3-1203. Appointment and discharge of librarian.
§ 3-1204. Expenditure of funds.

Sec. 3-1201. Composition; election and terms of members.

A board of trustees of the Carnegie Library shall be elected by the council, to consist of ten colored citizens, residents of the city. Each trustee shall be elected for a term of four years. (Code 1945, § 6-131.)

Sec. 3-1202. Powers and duties generally.

The board of trustees of the Carnegie Library shall exercise a strict and rigid supervision of such library, and shall pass all necessary rules and regulations for the government and conduct of the same, which shall be submitted to the council for its approval. (Code 1945, § 6-133.)

Sec. 3-1203. Appointment and discharge of librarian.

The trustees of the Carnegie Library shall have the authority to elect a librarian and, if necessary, an assistant librarian, or to designate some officer to perform the duties of librarian or assistant librarian, and shall appoint and discharge such officer at pleasure. (Code 1945, § 6-134.)

Sec. 3-1204. Expenditure of funds.

Sums of money appropriated in the budget for the use of the Carnegie Library shall be expended by and under the direction of the board of trustees of such library and such appropriations shall be drawn from the treasury of the city on the warrant of the board, and shall be paid, from time to time, by the board in the payment of salaries, purchase of books and other necessary expenses of the library. An itemized statement of all amounts so paid out shall be made annually, on or about the first day of December in each year to the city manager, and by him submitted to the council for its information. (Code 1945, § 6-132.)

Chapter 3-13. Sinking Fund.

Article I. Generally.

§ 3-1301. Created.

Article II. Commission.

§ 3-1302. Created.
§ 3-1303. Composition.
§ 3-1304. Election, term and oath of members.
§ 3-1305. City officers not eligible to serve as members.
§ 3-1306. Vacancies.
§ 3-1307. Enforcement of taxation.
§ 3-1308. Receipt of funds from treasurer.
§ 3-1309. Segregation of funds.
§ 3-1310. Investment of funds—Generally.
§ 3-1311. Same—Interest.
§ 3-1312. Removal of members.

ARTICLE I. GENERALLY.

Sec. 3-1301. Created.[7]

There is hereby created a sinking fund for the payment of new municipal bonds. (5-6-49, § 1.)

ARTICLE II. COMMISSION.

Sec. 3-1302. Created.[8]

There is hereby created a commission of freeholders to be known as the "sinking fund commission". (5-6-49, § 1.)

Sec. 3-1303. Composition.[9]

The sinking fund commission shall consist of five persons, each of whom shall be the owner, in his own name, of unincumbered real estate in Chatham County of the value of at least five thousand dollars, upon the basis of valuation made by the city assessors, or

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7. For state law authorizing cities to provide for a sinking fund for the redemption of new bonds, see Ga. Code Ann., § 87-504.

8. For state law authorizing the city to create a commission for the management of the sinking fund, see Ga. Code Ann., § 87-504.

9. For state law provision that the sinking fund commission shall be composed of not less than three nor more than five freeholders of the city, see Ga. Code Ann., § 87-504.

shall be the owner, in his own name, of unincumbered intangible property, as defined by the laws of the state, of the value of at least five thousand dollars, to be evidenced by his intangible tax return made to the state for the current year. (5-6-49, § 1.)

Sec. 3-1304. Election, term and oath of members.

The members of the sinking fund commission shall be elected by the mayor and aldermen by a two-thirds vote. Each member of the commission shall be sworn to faithfully perform the duties of the position and shall serve for a period of ten years and until his successor is elected and qualified, unless sooner removed as provided in this article. (Code 1945, § 52-107.)

Sec. 3-1305. City officers not eligible to serve as members.

Neither the mayor nor any alderman or other city officer shall be eligible to serve as a member of the sinking fund commission. When any member of such commission qualifies as an officer of the city, he shall immediately cease to be a member of the commission. (5-6-49, § 1.)

Sec. 3-1306. Vacancies.

The sinking fund commission shall have the power to fill all vacancies in its body, whether caused by death, resignation or otherwise, by a majority vote of those acting, except when such vacancy is caused by the removal of a member, as provided for in this article, or by the expiration of his term of office. When, in consequence of a tie vote or from any other cause, the commission is unable or fails to fill any vacancy at its first regular or special meeting after such vacancy occurs, the presiding officer shall certify such fact to the council at its next regular or special meeting and the council shall, at such meeting, proceed to fill such vacancy in the same manner that it makes original elections to the commission. (Code 1945, § 52-107.)

Sec. 3-1307. Enforcement of taxation.[1]

The sinking fund commission shall have the power and it shall be

1. For special legislative provisions relative to taxation, see ch. 1-24. For ordinance provisions as to taxation generally, see Tit. 32.

its duty, if necessary, to enforce taxation sufficient to raise the sinking fund provided for in section 3-1301 of this Code, by application to the courts having jurisdiction, at any time that there is a failure to act in good faith on the part of the mayor and aldermen. (Code 1945, § 52-107.)

Sec. 3-1308. Receipt of funds from treasurer.

The city treasurer shall make annual payments to the sinking fund commission in such sums as may be fixed by the ordinances and proceedings under which the bonds were issued and he shall clearly designate what amount is to be paid for the retirement of bonds. (Code 1945, § 52-110.)

Sec. 3-1309. Segregation of funds.

When payments are made by the city treasurer to the sinking fund commission, the commission shall keep the funds so paid segregated for the purpose of retiring the particular bonds for retirement of which the payment was made. (Code 1945, § 52-110.)

Sec. 3-1310. Investment of funds—Generally.

The sinking fund commission is directed, within a period of six months after the receipt of funds from the city treasurer, to invest the same in valid outstanding bonds for which the sinking fund has been established.

The commission shall invest all funds received by it from time to time in any obligations in which trust funds are authorized to be invested by state law. (Code 1945, §§ 52-110, 52-111.)

Sec. 3-1311. Same—Interest.

All interest received by the sinking fund commission from investment in bonds shall be reinvested by the commission in valid outstanding bonds, as provided for in section 3-1310 of this Code. (Code 1945, § 52-113.)

Sec. 3-1312. Removal of members.

The Mayor and Aldermen may, by a unanimous vote, remove any member of the sinking fund commission, before his term of office has expired and may elect, in the manner prescribed in this article, and for the unexpired term, a commissioner in his stead having the qualifications set forth in this article. (Code 1945, § 52-109.)

TITLE 4.

ADVERTISING.[2]

Chap.
4-1. In General, §§ 4-101 to 4-108.
4-2. Signs and Billboards, §§ 4-201 to 4-214.

Chapter 4-1. In General.

§ 4-101. Permit to park vehicles for advertising purposes.
§ 4-102. Street banners prohibited.
§ 4-103. Signs, etc., on walls, houses and fences.
§ 4-104. Banners, placards, etc., not to be attached to trees and poles.
§ 4-105. Advertisements not to be painted, etc., on streets, sidewalks, etc.
§ 4-106. Circulars, bills, etc.—Deposit on private property or vacant lots generally.
§ 4-107. Same—Must be delivered to door of residence.
§ 4-108. Same—Distribution on streets prohibited.

Sec. 4-101. Permit to park vehicles for advertising purposes.[3]

It shall be unlawful for any person to park any automobile, vehicle, bus, truck or other conveyance on the streets of the city for advertising or display purposes, except vehicles used by the federal government in the defense effort, without first having obtained a permit therefor from the city manager, upon such terms as the city manager may require. (5-27-55, § 1.)

Sec. 4-102. Street banners prohibited.[4]

It shall be unlawful for any person to erect, construct or string

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2. For state law as to outdoor advertising, see Ga. Code Ann., ch. 95-20.

For special legislative provisions relative to appropriations for advertising the city, see § 1-137.

For ordinance provisions as to advertising in cemeteries, see § 10-147. As to advertisements on fences around junk yards or motor vehicle salvage businesses, see § 20-107.

3. As to motor vehicles and traffic generally, see Tit. 22.

4. As to streets and sidewalks generally, see Tit. 30.

any banner over any street, lane or highway of the city with any insignia or printed or written letters or pictures thereon for any purpose whatsoever. (8-20-54, § 1.)

Sec. 4-103. Signs, etc., on walls, houses[5] and fences.

It shall be unlawful for any person to tack on, paste or paint any signs, pictures or written or printed matter for any purposes upon any wall, house or fence within the corporate limits of the city, without first having obtained the written consent of the owner of the premises used. The word "house" shall include store, outhouse or barn. (8-20-54, § 3.)

Sec. 4-104. Banners, placards, etc., not to be atttached to trees and poles.

It shall be unlawful for any person to tie on, tack on or nail any banners, placards or signs of any kind on any tree or pole within the corporate limits of the city. (8-20-54, § 2.)

Sec. 4-105. Advertisements not to be painted, etc., on streets, sidewalks, etc.

It shall be unlawful for any person to paint, stamp or write any advertisement or sign of any kind or character upon the surface, pavement or curbing of any street, sidewalk, alley, lane or highway in the city. (Code 1945, § 53-256.)

Sec. 4-106. Circulars, bills, etc. — Deposit on private property or vacant lots generally.

It shall be unlawful for any person to throw, cast or place any bills, posters, circulars or advertising matter of any nature upon any lawn, porch or other private property, except as provided in the following section, or upon any vacant lot, unless he first obtains permission so to do from the owner or person in possession of such property or lot. (Code 1945, § 35-109.)

Sec. 4-107. Same—Must be delivered to door of residence.

All bills, posters, circulars or other advertising matter shall be

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5. As to buildings generally, see Tit. 9.

delivered at the doors of residences personally to some inmate thereof and not in any case left loose to be blown about the premises or streets. (Code 1945, § 35-110.)

Sec. 4-108. Same—Distribution on streets prohibited.

It shall be unlawful for any person to hand any free advertising matter, bills, posters, circulars or any other matter of a similar description to any person upon the streets of the city. (Code 1945, § 35-111.)

Chapter 4-2. Signs [6] and Billboards.

§ 4-201. Prohibited in Savannah High Level Bridge Area.
§ 4-202. Prohibited on portion of Victory Drive; exceptions.
§ 4-203. Permit—Required.
§ 4-204. Same—Application—Generally.
§ 4-205. Same—Same—To be approved by manager.
§ 4-206. Same—Same—Publication of notice.
§ 4-207. Same—Issuance generally.
§ 4-208. Same—Conditions to issuance for area adjacent to Bay Street Viaduct.
§ 4-209. Signs advertising business on same premises and "for sale" signs.
§ 4-210. Electric signs.
§ 4-211. Signs on post.
§ 4-212. Suspension of signs from buildings.
§ 4-213. Dangerous signs.
§ 4-214. Abandoned signs.

Sec. 4-201. Prohibited in Savannah High Level Bridge Area.

There is hereby established and created an area within the corporate limits of the city to be known as "The Savannah High Level Bridge Area", which area shall include all of the land within the following limits:

A rectangular strip of land which begins at a point two hundred feet east of the Eugene Talmadge Memorial Bridge, now under construction, where it enters the corporate limits of the City of Savannah on the southern bank of the Savannah Back River, and running southwardly two hundred feet east of such bridge and its

6. As to signs in cemeteries, see § 10-156. As to pawnbrokers' signs, see § 25-103.

approaches to a point where the two hundred foot line intersects with the northern side of the Louisville Road; thence west along the northern line of the Louisville Road to a point where an equidistant line two hundred feet west of the Eugene Talmadge Memorial Bridge, now under construction, and approaches intersect with the northern side of the Louisville Road; from this point of intersection the area runs north from the Louisville Road two hundred feet from the southern approach to the bridge and continues to run two hundred feet west of the bridge until the line intersects with a point on the southern bank of the Savannah Back River, two hundred feet west of the bridge; thence running in an easterly direction along the southern bank of the Savannnah Back River to the point of beginning.

Within the area above described, no signboard or billboard shall be constructed, either with or without electrical display thereon, and no structure shall be erected for the exclusive purpose of display or advertising; it being the intent of this section to prohibit the construction or use of signboards or billboards for advertising or display purposes or any purpose whatsoever within this area.

The provisions of this section shall in no wise affect the use, maintenance or repair of signboards or billboards which were constructed and in use prior to September 4, 1953; provided, however, that in the event any signboard or billboard or any such structure of advertising or display nature should be removed and cease to be used, no such structure shall be erected or used in the place thereof.

In the event any person constructs any such signboard or billboard as prohibited in this section, the city marshal shall have the right to have the same removed in accordance with the law in such cases provided. (9-4-53, §§ 1-4.)

Sec. 4-202. Prohibited on portion of Victory Drive; exceptions.

It shall be unlawful for any person to erect or cause to be erected on either side of Victory Drive, between the eastern line of Bull Street and the city limits on the east, for a distance of one hundred feet on either side of Victory Drive, any billboard or sign; provided, however, that this section shall not be construed to prevent any person owning or in posssession of any place of business on either side of Victory Drive in the area herein described from erecting or maintaining a sign advertising such business and nothing herein contained shall be construed to prevent any owner

of real estate fronting on Victory Drive within such area from erecting or causing to be erected any sign or billboard advertising such property for sale or rent. (5-6-49, §§ 6, 7.)

Sec. 4-203. Permit [7]—Required.

It shall be unlawful for any person to erect or cause to be erected at any place within the city any billboard or sign, unless he first obtains a permit so to do from the director of public improvements. (5-6-49, § 1.)

Sec. 4-204. Same—Application—Generally.

The application for a permit required by the preceding section shall be made to the director of public improvements and shall state the location of the sign or billboard, the size thereof, whether the same is to be lighted or not, and such other information with regard to the same as the director of public improvements may require. (5-6-49, § 1.)

Sec. 4-205. Same—Same—To be approved by manager.

No permit for the erection of a sign or billboard shall be issued by the director of public improvements, until the application therefor has been approved by the city manager. (5-6-49, § 2.)

Sec. 4-206. Same—Same—Publication of notice.

Upon reference of an application for a permit to erect a sign or billboard to the city manager, the manager shall cause a notice of the same to be inserted in a daily newspaper published in the city twice within one calendar week, but not on consecutive days, before the time at which the same shall be passed upon. The director of public improvements shall require the applicant to attach to the application the cost of publishing the notice. (5-6-49, § 3.)

Sec. 4-207. Same—Issuance generally.

If an application for a permit for the erection of a sign or billboard is approved by the city manager and by the director of public improvements, the permit shall then be issued. (5-6-49, § 4.)

7. As to building permits generally, see § 9-102.

Sec. 4-208. Same — Conditions to issuance for area adjacent to Bay Street Viaduct.

No permit shall be issued for the erection and maintenance of any billboard or sign exceeding sixty-five feet in height, from the ground level, in the area wherein lies the yards of the Central of Georgia Railway, on the land immediately adjacent to the viaduct on Bay Street running alongside such viaduct, nor shall such permit issue to any person who does not furnish satisfactory evidence that he has a lease with the railway company for the use of such lands for the erection and maintenance of billboards and signs. (11-4-49, §§ 1, 2.)

Sec. 4-209. Signs advertising business on same premises and "for sale" signs.

Nothing in this chapter shall be construed to prevent any person owning or in possession of any place of business in the city from erecting or causing to be erected a sign at any place upon the premises advertising such business, but such person shall first procure the approval of the director of public improvements, with regard to the construction of the same, so that the same shall be constructed in a safe manner, but any such application may be acted upon by the director of public improvements, without being referred to the city manager. This section shall also govern the issuance of permits for the erection of "For Sale" or "For Rent" signs or billboards upon any property offered for sale or for rent, if such signs are larger than six square feet in size. (5-6-49, § 5.)

Sec. 4-210. Electric signs.[8]

It shall be unlawful for any person to erect in the city illuminated electric signs, unless the same are strongly built and securely guyed and fastened to the buildings so as to resist wind pressure, making the use of posts or other supports unnecessary, and each sign shall be installed under the supervision and direction of the director of public improvements. (Code 1945, § 24-127.)

Sec. 4-211. Signs on posts.

It shall be lawful for any person to erect or put up signs in the city upon iron or wooden posts; provided, that such posts are

8. As to electricity generally, see Tit. 13.

securely and safely placed immediately within the curbing of the sidewalk, and in front of the place of business of the person using the same. Such posts, if made of iron, shall be not less than two nor more than ten inches in diameter, and if of wood, not less than four nor more than ten inches in diameter. Such signs shall be at least eight feet above the pavement or sidewalk, and shall not exceed four feet in width and five in height. Such signs shall be securely and safely fastened to the posts and the erection of the signs and posts shall be under the direction and supervision of the director of public improvements. (Code 1945, § 53-217.)

Sec. 4-212. Suspension of signs from buildings.[9]

It shall be lawful for any person to suspend signs from the sides of buildings in the city, if such signs are securely and safely fastened to the side of the buildings, at the place of business of the person using the same, are at least eight feet above the sidewalk and do not overhang the sidewalk exceeding the width of the sidewalk. In no event, shall such signs extend more than ten feet from the building. Such signs shall be put up under the direction and supervision of the director of public improvements. (Code 1945, § 53-218.)

Sec. 4-213. Dangerous signs.

It shall be unlawful for any person to erect or put up in the city, or to continue to erect or to have or use any sign that is unsafe or dangerous to life, limb, person or property, no matter how the sign may have been originally constructed or erected. Should any sign be or become unsafe or dangerous, within the meaning of this section, the person owning or using such sign shall be notified of this fact by the director of public improvements, and it shall thereupon become the duty of such person to forthwith make the sign secure and safe, or to remove the same. (Code 1945, § 53-219.)

Sec. 4-214. Abandoned signs.

If any sign is abandoned or disused, the same may be removed at the discretion and upon the direction of the director of public improvements, at the expense of the person abandoning or last using the sign. (Code 1945, § 53-221.)

9. As to buildings generally, see Tit. 9.

TITLE 5.

ALCOHOLIC BEVERAGES.[1]

Editor's note.—The license and tax referred to throughout this title are those required by the annual revenue ordinance. This ordinance is not printed herein, but may be found on file in the office of the clerk of the council.

§ 5-101. License application—Approval.
§ 5-102. Same—To be accompanied by fee.
§ 5-103. Same—Advertisement.
§ 5-104. One person not to have more than two licenses.
§ 5-105. Dealer's registration card.
§ 5-106. Employee's registration card.
§ 5-107. Notice upon termination of employment with dealer.
§ 5-108. Computation and payment of tax.
§ 5-109. Keeping of records, collection of taxes, etc.—By wholesalers of beer and wine.
§ 5-110. Same—By wholesalers of liquor.
§ 5-111. Sale prohibited if taxes not paid.
§ 5-112. Possession by retailers prohibited unless taxes paid.
§ 5-113. Sunday sales prohibited.
§ 5-114. Sale near schools and churches.
§ 5-115. Sale at other than licensed premises.
§ 5-116. Sale in buildings abutting lanes and on second story.
§ 5-117. Curb service prohibited; exceptions.
§ 5-118. Set ups not to be delivered to or used in automobiles.
§ 5-119. Possession of beverages, etc., not covered by license.
§ 5-120. Obstructing vision from sidewalk into place of business.
§ 5-121. Doors to be unlocked during business hours.

Sec. 5-101. License application—Approval.

No license to sell or dispense alcoholic, malt or vinous beverages within the corporate limits of the city shall be issued by the clerk of the council, until the application therefor has been approved by the council. (12-12-52, §§ 1, 2.)

Sec. 5-102. Same—To be accompanied by fee.

No license referred to in the preceding section shall be issued,

1. For state law as to intoxicating liquors, see Ga. Code Ann., Title 58.
As to public drunkenness, see § 24-132.

unless the application therefor is accompanied by cash or a certified check in the amount designated by the annual revenue ordinance. (12-12-52, § 3.)

Sec. 5-103. Same—Advertisement.

Any person filing an application for a new alcoholic beverage license or the transfer of an existing license with the clerk of council shall deposit with the clerk the necessary sums to provide for legal notices in a daily newspaper in the city, to be published by the clerk two consecutive days thereafter, and such application shall not be presented to the city manager for recommendation or to the city council, until at least five days have elapsed from the day the second insertion has been placed in the newspaper, in order that those who might wish to object might do so in writing; provided, however, that this section shall not apply to applications for the renewal of licenses. (3-10-50, §§ 1, 3.)

Sec. 5-104. One person not to have more than two licenses.

No person shall either in his own right or as an associate of or through any company or agency own at any time more than two liquor licenses. (8-6-54, § 4.)

Sec. 5-105. Dealer's registration card.

It shall be unlawful for any person, or the holder of any wholesale liquor, beer or wine license, or the holder of any retail liquor, beer or wine license to operate thereunder any place of business in the city, without having a registration card signed by the solicitor general of the eastern judicial circuit of Georgia.

The provisions of this section shall not apply to places selling beer and wine where such commodities are not consumed on the premises where sold. (3-25-54, §§ 1, 4.)

Sec. 5-106. Employee's registration card.

Every person working or serving any order about any wholesale or retail liquor, beer or wine place of business shall have a registration card signed by the solicitor general of the eastern judicial circuit of Georgia, setting forth thereon the name of the employer and the location of the place of employment.

It shall be unlawful for the holder of any wholesale or retail alcoholic or malt beverage license to permit himself or any other person to work or serve in or about his place of business, unless such person has such a registration card.

The provisions of this section shall not apply to places selling beer and wine where such commodities are not consumed on the premises where sold. (3-25-54, §§ 2, 4; 4-13-56.)

Sec. 5-107. Notice upon termination of employment with dealer.

It shall be unlawful for the holder of any wholesale or retail liquor, beer or wine license to fail to notify the solicitor general of the eastern judicial circuit of Georgia, or his representative, within five days after the termination of the services of any of his employees working in any place where alcoholic or malt beverages are served.

The provisions of this section shall not apply to places selling beer and wine where such commodities are not consumed on the premises where sold. (3-25-54, §§ 3, 4.)

Sec. 5-108. Computation and payment of tax.[2]

In computing the city alcoholic beverage tax, as imposed by the annual revenue ordinance, the term "case", as applied to wine, shall mean a carton or other container containing twenty-four bottles of pint size or smaller, or twelve bottles of quart size, or one-fifth size.

Fractional parts of cases or barrels, kegs or drums, or any other size or type containers, shall be computed proportionately.

The tax on malt beverages and wines shall be computable and payable monthly. (1-26-51, §§ 2, 3.)

Sec. 5-109. Keeping of records, collection of taxes, etc.—By wholesalers of beer and wine.

Each wholesale dealer or distributor selling, shipping or delivering malt beverages or wines to any retail dealer in the city, whether delivered to the retail dealer's place of business or elsewhere for resale in the city shall, as a condition to the privilege of carrying on such business in the city;

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2. For special legislative provisions relative to taxation, see ch. 1-24. For ordinance provisions as to taxation generally, see Tit. 32.

(1) Keep true and correct records of all sales, shipments or deliveries of such malt beverages or wines to each retail dealer in the city; such records to be preserved for a period of one year and to be made available on request for the inspection of any duly authorized representative of the city;

(2) Collect from each such retail dealer in the city and add on each invoice at the time of delivery of the malt beverages and wines the amount of tax due under the annual revenue ordinance and hold the same in trust for the city, until such amount is remitted to the city as provided in this section;

(3) On or before the tenth day of each calendar month make a verified return to the city for the moneys collected from retail dealers for the month immediately preceding the report. Such return shall be accompanied by remittance to the city for all taxes collected.

If any wholesale dealer or distributor fails or refuses to make the returns herein provided for, the city shall notify him in writing and, if the returns are not made and the taxes remitted within five days from the date of such notice, the city may withdraw from the wholesale dealer or distributor the privilege of doing business in the city by revoking his license. On such failure to make returns and pay the taxes accrued, the city shall proceed to assess the amount of taxes due from retail dealers who have purchased from such wholesale dealer or distributor, from the best information available, and shall proceed to collect the taxes as provided by ordinance for the collection of delinquent license taxes. (1-26-51, §§ 3, 4.)

Sec. 5-110. Same—By wholesalers of liquor.

Each wholesale dealer in spirituous liquors, which shall include all alcoholic beverages excepting beer and wine, shall keep records available for inspection at all times by duly authorized agents or representatives of the city. Such records shall show the amount and quantity of each item sold by the wholesaler to each retailer. Such wholesaler shall collect, at the time of the delivery to the retailer, the tax imposed by the annual revenue ordinance. (1-26-51, § 5.)

Sec. 5-111. Sale prohibited if taxes not paid.

It shall be unlawful for any person to sell at retail within the city

any malt beverages, wines or spirituous liquors on which the taxes provided for in the annual revenue ordinance have not been paid to the wholesale dealer or distributor for the city.

It shall likewise be unlawful for any wholesale dealer or distributor or other person to deliver any malt beverages, wines or spirituous liquors to any retail dealer in the city, without first collecting the taxes as provided in this title. (1-26-51, §§ 6, 7.)

Sec. 5-112. Possession by retailers prohibited unless taxes paid.

It shall be unlawful for any person engaged in the sale, as a retail dealer, of alcoholic, vinous or malt beverages to have is his possession any of such beverages, unless the tax required by the city has been paid to the wholesaler, distributor or other source delivering or causing the beverages to be delivered to the retail dealer. Whenever any such beverages are found in the possession of a retail dealer, where records of the payment of the tax do not appear upon the records of the wholesale liquor dealer, it will be presumed that the tax has not been paid and the burden shall be upon the retailer to prove such fact. All liquor, the tax on which has not been paid, found in the possession of any retail establishment in the city shall be subject to confiscation by the municipal authorities of the city, and shall be sold by the city marshal, and the receipts thereof paid into the city treasury. (1-26-51, §§ 8, 9.)

Sec. 5-113. Sunday sales prohibited.

No alcoholic beverage shall be kept for sale or offered for sale, or dispensed or given away, in any store, house or place of business on Sunday.

Every person conducting a place of business, store or house solely and exclusively for the purpose of selling or dealing in alcoholic beverages shall keep the same closed on Sunday. (Code 1945, § 58-203.)

Sec. 5-114. Sale near schools and churches.

It shall be illegal for any person to sell either beer or wine at a place within one hundred yards of any school or schoolhouse in the city. No business selling alcoholic beverages, as defined by section 58-1011 Georgia Code Annotated, shall be operated within one hundred yards of any church or within two hundred yards of

a school ground or college campus, except hotels of fifty rooms or more, which have been in continuous operation for a period of at least five years prior to February 3, 1938. The restrictions as to location herein contained shall not apply to private social clubs owning their own homes, which have been chartered and in continuous operation for a period of twenty-five years prior to February 3, 1938. The school grounds or college campuses referred to in this section shall apply only to state, county, city or church school campuses and to such other schools as teach the subjects commonly taught in the common schools and colleges in the state. (1-4-57, § 1.)

Sec. 5-115. Sale at other than licensed premises.

It shall be unlawful for any person to sell alcoholic beverages on the streets or sidewalks, or elsewhere, outside of the building, premises or place of business licensed for such sale. (Code 1945, § 58-203.)

Sec. 5-116. Sale in buildings abutting lanes and on second story.

It shall be unlawful for any person to sell or offer for sale alcoholic beverages in any building or place of business abutting exclusively on any lane in the city or in the second story of any building upon any street or lane of the city, and no license shall be issued for the conduct or carrying on of any place of business in the above-named places where alcoholic beverages are proposed to be kept for sale or sold, except that bona fide hotels, having dining rooms of twenty or more tables, and which do not face or abut exclusively on lanes, shall be permitted to sell and keep for sale alcoholic beverages in such dining rooms which may be located in the second story of their buildings or places of business. (Code 1945, § 58-203.)

Sec. 5-117. Curb service prohibited; exceptions.

It shall be unlawful for any person to sell or deliver to persons in automobiles or other vehicles parked on the sidewalks or streets in front of such places of business any alcoholic beverages, except malt beverages. (Code 1945, § 58-203.)

Sec. 5-118. Set ups not to be delivered to or used in automobiles.

It shall be unlawful for any person to sell, deliver or give away to the occupants of automobiles or other vehicles parked on the streets or sidewalks, any ice or soft drinks of any kind for the purpose of being used by the occupants of such automobiles or other vehicles in mixing such ice or soft drinks in alcoholic beverages. It shall likewise be unlawful for any person occupying such an automobile or other vehicle to mix ice or soft drinks in alcoholic beverages while the autombile or other vehicle is parked upon the streets or sidewalks of the city. (Code 1945, § 58-203.)

Sec. 5-119. Possession of beverages, etc., not covered by license.

It shall be unlawful for any person to sell, offer for sale or keep for sale in his place of business, any alcoholic beverage or any commodity or article of merchandise which such person is not permitted to have, sell or possess under the terms of the license issued for his place of business or which is not covered by or included in such license. The presence of such alcoholic beverage, commodity or article of merchandise in the place of business of any such person shall be held to be prima facie evidence that the same is possessed for the purpose of illegal sale, and the burden shall be upon the accused to explain such possession in any trial involving a violation of this section. (Code 1945, § 58-204.)

Sec. 5-120. Obstructing vision from sidewalk into place of business.

No screens, partitions or swinging doors which obscure vision from the sidewalk or street shall be kept in any place of business where alcoholic beverages are sold or kept for sale; it being the purpose and intent of this section that a clear view of the interior of such place of business shall be had from the street or sidewalk, except that this provision shall not apply to bona fide hotels, having dining rooms of twenty or more tables. (Code 1945, § 58-203.)

Sec. 5-121. Doors to be unlocked during business hours.

Every person conducting a place of business selling or dealing in alcoholic beverages shall keep during his hours of business, his doors into such place of business unlocked. (1-4-57, § 2.)

TITLE 6.

ANIMALS AND FOWL.[3]

Chap.
6-1. In General, §§ 6-101 to 6-112.
6-2. Dogs, §§ 6-201 to 6-209.

Chapter 6-1. In General.

§ 6-101. Livestock and fowl not to run at large or be kept in public place.
§ 6-102. Keeping of hogs prohibited.
§ 6-103. Protection of birds.
§ 6-104. Cruelty to animals and fowl generally.
§ 6-105. Killing or injuring squirrels.
§ 6-106. Sanitary facilities required where animals and fowl are kept.
§ 6-107. Removal of stable litter, etc.
§ 6-108. Animal hospitals, etc.—Location near dwellings.
§ 6-109. Same—Inspection and sanitary installations.
§ 6-110. Dead animals—Report to scavenger department.
§ 6-111. Same—Removal by scavenger department.
§ 6-112. Same—Deposit in streets, lanes, etc.

Sec. 6-101. Livestock and fowl not to run at large or be kept in public place.

It shall be unlawful for the owner of any livestock or domestic fowl to permit the same to run at large within the corporate limits of the city or to keep the same in any manner in any street or other public place. (Code 1945, §§ 3-101, 3-116, 3-120.)

Sec. 6-102. Keeping of hogs prohibited.

It shall be unlawful for any person to retain or keep hogs within the corporate limits of the city. (Code 1945, § 3-103.)

Sec. 6-103. Protection of birds.

The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary and it shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any

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3. As to prohibition against pets in meat establishments, see § 15-320.

bird or wild fowl or to rob bird nests or wild fowl nests in such sanctuary; provided, however, that if pigeons, starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property in the opinion of the proper health authorities of the city, such health authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of such clubs as are found to exist in the city, after having given at least three days' actual notice of the time and place of such meeting to the representatives of the clubs. If, as a result of such meetings, no satisfactory alternative is found to abate such nuisance, then such birds may be destroyed in such numbers and in such manner as is deemed advisable by the health authorities, under the supervision of the chief of police. (10-11-56.)

Sec. 6-104. Cruelty to animals and fowl generally.[4]

It shall be unlawful for any person to instigate, engage in or do anything in furtherance of any act of cruelty to any domestic animal or domestic fowl. (Code 1945, § 3-122.)

Sec. 6-105. Killing or injuring squirrels.

It shall be unlawful for any person to kill, injure or attempt to kill or injure any squirrel running at large in any cemetery, park, square, street or other place in the city. (Code 1945, § 3-123.)

Sec. 6-106. Sanitary facilities required where animals and fowl are kept.[5]

It shall be unlawful for any person to keep on his premises any fowl or domestic animal, without providing suitable sanitary facilities in order that such fowl or animal shall not create a condition detrimental to public health.

Any person violating this section shall, upon conviction thereof in the police court, be punished as provided in section 2-105 of this Code and, in addition, the judge shall have the right to declare

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4. For state law as to cruelty to animals, see Ga. Code Ann., § 26-7902.

5. For special legislative provisions relative to public health and sanitation, see ch. 1-17.

For ordinance provisions as to public health and sanitation generally, see Tit. 29.

the premises a nuisance and to order the same abated as provided by law. (9-4-53, §§ 1, 3.)

Sec. 6-107. Removal of stable litter, etc.[6]

Every person within the city who keeps or has the management, care or charge of one or more horses, mules, oxen or cows in any one stable, yard or other enclosure within the city, shall remove or cause to be removed as often as is necessary to prevent odors, insect breeding and the like, at his own expense, all the dung, filth or litter made and caused by keeping such animals, to such places as may be provided for the deposit of filth and rubbish removed by the scavenger department. (Code 1945, § 31-174.)

Sec. 6-108. Animal hospitals, etc.—Location near dwellings.

No license[7] shall be granted to any person to operate or conduct any animal hospital or place for the deposit or keeping of dogs, cats or other domestic animals, other than for personal use, within less than one hundred feet of any dwelling, building or structure within the corporate limits of the city, unless the owners of the dwellings, buildings or structures affected thereby and within one hundred feet in either direction of the proposed animal hospital or depository for animals shall first agree in writing to the establishment of the same. (2-8-52, § 1.)

Sec. 6-109. Same—Inspection and sanitary installations.

Before any license shall be granted for the erection or operation of an animal hospital or other depository for domestic animals, the health officer shall make an inspection and no license shall be granted, unless and until such sanitary installations are made as the health officer shall direct. (2-8-52, § 2.)

6. As to garbage and trash generally, see Tit. 17.

7. The license referred to here and in the following section is that required by the annual revenue ordinance. This ordinance is not printed in this Code, but may be found on file in the office of the clerk of the city council.

Sec. 6-110. Dead animals—Report to scavenger department.

It is hereby made the duty of all persons in the city losing an animal by death or having a dead animal on his premises to report the same to the scavenger department within two hours after its death, which report shall specify where the animal may be found. (Code 1945, § 3-118.)

Sec. 6-111. Same—Removal by scavenger department.

It is hereby made the duty of the scavenger department, without delay, to remove from the city all dead animals which may be brought to its attention or reported, and to dispose of the same as required by law or the proper corporate authority. (Code 1945, § 22-108.)

Sec. 6-112. Same—Deposit in streets, lanes, etc.[8]

It shall be unlawful for any person to throw or put into the streets, lanes, squares or commons within or without the city any dead animal. (Code 1945, § 31-178.)

8. For state law as to the deposit of dead animals in highways, etc., see Ga. Code Ann., § 88-9923.

As to streets and sidewalks generally, see Tit. 30.

Chapter 6-2. Dogs.[9]

§ 6-201. Registration and license tag required.
§ 6-202. To be muzzled or leashed.
§ 6-203. Notice to owner when dog found without tag.
§ 6-204. Impoundment generally—Of dogs violating section 6-202 of this Code.
§ 6-205. Same—Of unlicensed dogs.
§ 6-206. Where impounded dogs to be kept.
§ 6-207. Redemption of impounded dogs.
§ 6-208. Disposition of impounded dogs.
§ 6-209. Impoundment by Humane Society.

Sec. 6-201. Registration and license tag required.

Each owner or possessor and any person who harbors or keeps any dog within the corporate limits of the city shall cause such dog to be registered in the office of the city marshal and shall secure an annual license tag for such dog. (Code 1945, § 3-104.)

Sec. 6-202. To be muzzled or leashed.

It shall be unlawful for any dog to be on the streets, lanes, highways or squares of the city, or loose on vacant lots or unenclosed lots, so that he may freely have access to the streets, lanes, highways or squares of the city, unless such dog is effectually muzzled so that it is unable to bite or unless such dog is held firmly on a leash held by a person over sixteen years of age. It shall be the duty of any owner or possessor or any person who harbors or keeps any dog to confine securely the same within the limits of his own premises and not to permit such dog to run or have access to run on the streets, lanes, highways, squares or parks of this city, except under the conditions above set forth. (Code 1945, § 3-105.)

Sec. 6-203. Notice to owner when dog found without tag.

Where any dog is found within the city without having a license tag as required by section 6-201 of this Code, it shall be the duty of the dog catcher to verbally notify the person in charge of the premises whereon the dog is found to come forward and procure a tag. (Code 1945, § 3-108.)

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9. For state law authorizing the city to control and regulate dogs, see Ga. Code Ann., § 88-211a.

Sec. 6-204. Impoundment generally—Of dogs violating section 6-202 of this Code.

Any dog found upon the streets, lanes, highways or squares of the city, in violation of section 6-202 of this Code, shall be caught by the dog catcher, or his assistants, and impounded. (Code 1945, § 3-107.)

Sec. 6-205. Same—Of unlicensed dogs.

Upon the failure of a person to comply with the notice given him under section 6-203 of this Code, within twenty-four hours after receiving the same, or should the person in charge of the premises upon which an unlicensed dog is found disclaim ownership of such dog, by himself or any member of his household when so notified, it shall thereupon become the duty of the dog catcher to go upon the premises and take charge of and impound the dog. (Code 1945, § 3-108.)

Sec. 6-206. Where impounded dogs to be kept.

Any dog impounded under the provisions of this chapter shall be kept for three days in some convenient place, to be known as the dog pound or humane shelter, which may be located within the city or without the same in Chatham County. (Code 1945, § 3-110; 3-10-50, § 1; 5-15-53.)

Sec. 6-207. Redemption of impounded dogs.

Within three days after a dog is impounded, the owner, possessor or any representative of the owner or possessor may come forward and pay the annual license tax, if he has not paid the same, an impounding fee of one dollar for each dog impounded and one dollar per day for each day that the dog is housed and fed in the dog pound or humane shelter by the authorities of the city. Upon the payment of such fees, the dog shall thereupon be delivered to the person so paying the same. (Code 1945, § 3-110; 3-10-50, § 1; 5-15-53.)

Sec. 6-208. Disposition of impounded dogs.

Any dog impounded under the provisions of this chapter whose owner, possessor or representative shall not come forward within

three days after the impoundment and pay the license tax and the fees specified in this chapter shall be put to death in some humane manner. (Code 1945, § 3-111.)

Sec. 6-209. Impoundment by Humane Society.

The shelter and impounding of dogs found within the city in violation of this Code, may be delegated to and performed by the Humane Society of Chatham-Savannah, Incorporated, its officers and servants, and the contract previously entered into between the mayor and aldermen and the society, dated the 6th day of March, 1953, as on file in the office of the clerk of the council, is hereby approved, ratified and confirmed as of the date of the contract, and all acts done pursuant thereto, except as herein provided.

The operation of the humane shelter in its present and future location and the housing and impounding of dogs by its officers within the city, shall be under the direction and control and subject to the supervision of the health officer of the city. If at any time the health officer shall report to the council, and council shall determine that the humane shelter is improperly conducted, that it is not carrying out his orders or that it is not performing its proper function, the mayor and aldermen may forthwith cancel and terminate the contract with the society, notwithstanding the terms of the contract aforesaid.

The catching of stray or unlicensed dogs within the city limits and their removal shall be conducted by duly appointed deputy city marshals under the supervision, direction and control of the city marshal, though compensated by the humane society aforesaid. (5-15-53.)

TITLE 7.

ARMSTRONG COLLEGE.[1]

§ 7-101. Appropriations.
§ 7-102. Commission to cooperate with board of education, etc.
§ 7-103. Commission to submit estimates and reports.

Sec. 7-101. Appropriations.

The mayor and aldermen, under the powers vested in them by the General Assembly of the state may, from year to year, make such appropriations as are found necessary to supplement the tuition fees and other incomes of the Armstrong College in meeting its necessary expenditures. (Code 1945, § 4-104.)

Sec. 7-102. Commission to cooperate with board of education, etc.

The Armstrong College Commission shall cooperate with the board of education and the superintendent of public schools in coordinating the college with the high schools of the city and the university system of the state. (Code 1945, § 4-103.)

Sec. 7-103. Commission to submit estimates and reports.[2]

The Armstrong College Commission shall regularly submit to the mayor and aldermen an estimate of its probable expenditures and income for approval, and shall render to the mayor monthly, detailed reports of its receipts and expenditures. (Code 1945, § 4-105.)

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1. For special legislative provisions relative to Armstrong College, see ch. 1-3. For provisions relative to education generally, see ch. 1-6.

2. For special legislative requirement that the commission submit estimates and reports, see § 1-311.

TITLE 8.

AVIATION.[3]

§ 8-101. Acrobatic flying.
§ 8-102. Objects not to be dropped from aircraft.
§ 8-103. Aircraft to be licensed as airworthy.
§ 8-104. Taking off or landing at other than designated landing field.
§ 8-105. Use of landing field when aircraft is landing or taking off.
§ 8-106. Unreasonable operation of aircraft.

Sec. 8-101. Acrobatic flying.

No person shall engage in acrobatic flying of an aircraft over the city or over any airport owned or leased by the city. For the purpose of this section, the term "acrobatic flying" shall mean any intentional maneuver not necessary to air navigation. (Code 1945, § 2-112.)

Sec. 8-102. Objects not to be dropped from aircraft.

No objects shall be dropped, released or permitted to drop from aircraft. Even though the aircraft is not within the city limits, but is within three miles from the city limits, no such objects shall be dropped or released, if there is any possibility that they shall be carried over the city so as to fall therein. (Code 1945, § 2-112.)

Sec. 8-103. Aircraft to be licensed as airworthy.

No passengers shall be carried for hire in any aircraft, unless such aircraft is licensed as airworthy by the Civil Aeronautics Authority. (Code 1945, § 2-112.)

Sec. 8-104. Taking off or landing at other than designated landing field.

No aircraft shall take off from or land in any space not designated by the council as a landing field. (Code 1945, § 2-112.)

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3. For state law as to Uniform Aeronautical Code, see Ga. Code Ann., ch. 11-1. As to Uniform Airports Law, see Ga. Code Ann., ch. 11-2.
For special legislative provisions relative to municipal airports, see ch. 1-12.
For ordinance provisions as to airfield zoning, see ch. 38-2. As to airport zoning, see ch. 38-3.

Sec. 8-105. Use of landing field when aircraft is landing or taking off.

No person shall use or remain upon any landing field when an aircraft is preparing to land or take off. Aircraft shall be presumed to be preparing to land when circling a field and shall be presumed to be preparing to take off when on the field with the motor of the aircraft running. (Code 1945, § 2-112.)

Sec. 8-106. Unreasonable operation of aircraft.

It shall be unlawful for any person to operate an aircraft in and over the city at a height or speed, or in such a manner other than that which is reasonable or proper; or, so as to endanger the property, life or limb of any person, and the operation of an aircraft in violation of the air-traffic rules of the United States Department of Commerce shall be presumptive evidence of unreasonable and improper operation of such aircraft. (Code 1945, § 2-113.)

TITLE 9.

BUILDINGS.[4]

Chap.
9-1. In General, §§ 9-101 to 9-106.
9-2. Building Code, §§ 9-201 to 9-210.

Chapter 9-1. In General.

§ 9-101. General powers and duties of director of public improvements relative to building operations.
§ 9-102. Building permits generally.
§ 9-103. Permit from city council required for erection of certain buildings.
§ 9-104. Inspection of construction or repair work.
§ 9-105. Prefabricated or demountable buildings—Building permit.
§ 9-106. Removal of debris after building or demolition operations.

Sec. 9-101. General powers and duties of director of public improvements relative to building operations.

The director of public improvements shall have the power and it shall be his duty to enforce all of the provisions of the Building Code of the city, to approve or disapprove, within a reasonable time, applications, plans, detailed drawings, specifications and amendments thereto, with reference to proposed construction, alteration or repair of buildings, to issue permits, notices and certificates for work coming within the scope of his department, to make rules and regulations to interpret the Building Code and its proper application, to pass upon questions relative to the mode, manner of construction and materials to be used in the construction or alteration of any building and to require that such mode, manner of construction or materials shall conform to the true intent and meaning

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4. For special legislative provisions relative to party walls, see ch. 1-14.

For ordinance provisions as to signs, pictures, etc., on houses, see § 4-103. As to suspension of signs from buildings, see § 4-212. As to demolition of buildings in vicinity of fires, see § 14-114. As to housing, see Tit. 19. As to moving houses through streets, see § 30-110. As to house numbers, see §§ 30-301 to 30-306.

of the several provisions of the Building Code, as it shall be in force at any given time. (6-13-47, § 2.)

Sec. 9-102. Building permits generally.[5]

When any person shall be desirous of erecting, changing or altering any building or structure within the limits of the city, he shall make application at the office of the director of public improvements for a permit for that purpose, and shall furnish the director with a written statement of the proposed location, dimensions and manner of construction of the proposed building or structure, and the materials to be used, and with plans and specifications of the proposed building or structure, which shall remain in his custody a sufficient length of time to allow the necessary examination to be made of the same, and, if required by him, a copy of such plans and specifications shall be filed in the office of the director by the applicant, after which, if it shall appear to the director that the laws and ordinances of the city are complied with, a permit will be issued by him, to be approved in writing thereon by the city manager before it becomes effective. (6-8-56.)

Sec. 9-103. Permit from city council required for erection of certain buildings.

Any person desiring to erect or build any building to be used as a filling station, dry-cleaning plant, dairy establishment or funeral home in the city shall file an application for a permit to erect or build such building with the council. Notice of the filing of such application and the time and place that the same will be passed upon by the council shall be advertised in a newspaper published in the city at least twice, both insertions being at least two days prior to such hearing. If it shall appear at the hearing that any of the residents in the immediate neighborhood and within one block thereof object to the erection of the building, the council may, in its discretion, refuse the permit. Payment for advertising shall be made by the applicant at the time of filing the application. All applications under this section shall be filed with the clerk of the council. (Code 1945, § 9-106; 9-30-55, § 1.)

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5. As to permits for the erection of billboards and signs, see §§ 4-203 et seq. As to permits for the enlargement, alteration, etc., of trailer lots, camps and parks, see §§ 35-105, 35-106.

Sec. 9-104. Inspection of construction or repair work.

It shall be the duty of the director of public improvements, either personally or through an agent, deputy or assistant authorized by him, to visit and inspect each house, structure or building which may be in the course of construction, alteration or repair within the limits of the jurisdiction of the mayor and aldermen, to see or determine that each house, structure or building is being constructed, altered or repaired according to the provisions of the Building Code of the city and all other ordinances of the city, and to determine the manner adopted for the security of all buildings against fire and, the safety of the occupants and that the materials used are suitable for the purpose and that the work is done in a workmanlike manner, and is of sufficient strength and design to answer the purpose for which it is intended. Before the foundation of any building is laid, he shall determine that the soil or substratum is sufficient for the structure or that proper piling or other foundation is installed to make the building safe for the use for which it is intended. (6-13-47, § 2.)

Sec. 9-105. Prefabricated or demountable buildings — Building permit.

No person shall erect within the city any prefabricated or demountable building, without first having secured a building permit for the erection of such building, which building permit shall be subject to the same requirements, rules and regulations as are applicable to all other types of buildings. Before issuing such construction permit, the director of public improvements shall ascertain that all zoning requirements,[6] building requirements, and other requirements of this Code and other ordinances of the city will be complied with in the construction or erection of such building. (12-22-47, § 2.)

Sec. 9-106. Removal of debris after building or demolition operations.[7]

All dirt, litter, rubbish and debris created by the construction, erection or demolition of any building within the corporate limits of the city shall be removed from the streets and sidewalks or from

6. See Tit. 38.
7. As to garbage and trash generally, see Tit. 17.

private property within a period of five days after the completion of the erection, construction or demolition by the contractor performing the work. If no contractor is engaged in performing the work, then such trash, litter, dirt, debris and rubbish shall be removed within a period of five days by the owner of the property where such building was erected, constructed or demolished. (Code 1945, § 53-301.)

Chapter 9-2. Building Code.[8]

§ 9-201. Adopted.
§ 9-202. Definitions.
§ 9-203. Building inspector—Appointment.
§ 9-204. Same—Qualifications; interest in sale or manufacture of materials, etc., prohibited.
§ 9-205. Same—Duties generally.
§ 9-206. Same—Cooperation of other officials.
§ 9-207. Same—Right of entry.
§ 9-208. Fire limits.
§ 9-209. Permit fees.
§ 9-210. Amendments.

Sec. 9-201. Adopted.

The rules and regulations for the construction of buildings and other similar work, in accordance with the previously adopted Building Code, recommended by the National Board of Fire Underwriters of New York, being particularly the 1949 Edition thereof, are hereby amended by substituting in place of the 1949 Edition of such code the 1955 Edition thereof in its entirety, save and except such portions as are hereinafter deleted, modified or amended; and, the same is hereby adopted and incorporated as fully as if set out at length herein; such provisions of the 1955 Edition being effective and controlling within the corporate limits of the city from and after the date of adoption and approval of this section. (5-30-52, § 1; 6-25-54, § 1.)

Sec. 9-202. Definitions.

Wherever the word "municipality" is used in the Building Code, it shall be held and taken to mean the mayor and aldermen of the City of Savannah.

8. As to electricity, see Tit. 13. As to plumbing, see Tit. 26.

Wherever the term "corporate counsel" is used in such code, it shall be held and taken to mean the city attorney for the City of Savannah. (5-30-52, § 2.)

Sec. 9-203. Building inspector—Appointment.

The building inspector shall be appointed in accordance with a previously enacted ordinance which established this office as a function of the department of public improvements.[9]

Sec. 9-204. Same—Qualifications; interest in sale or manufacture of materials, etc., prohibited.

To be eligible to appointment, the candidate for the position of building inspector shall have had experience as an architect, structural engineer, building inspector or superintendent of building construction. He shall be in good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal, and demolition.

Sec. 9-205. Same—Duties generally.

(a) The building inspector shall devote his whole time to the duties of his office. He shall receive applications required by the Building Code, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

(b) Inspection required under the provisions of the Building Code shall be made by the building inspector or his duly appointed

9. As to department of public improvements, see § 3-501 et seq.

assistant. The building inspector may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

(c) The building inspector shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.

(d) All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the building inspector without his written consent.

(e) The director of public improvements shall report to the city council on December 31 of each year, a full complete review of the number and description of every building constructed, altered or repaired in the city during that calendar year, of what material constructed and of the cost of each construction and the amount of permit fees collected.

Sec. 9-206. Same—Cooperation of other officials.

The building inspector may request and shall receive so far as may be necessary, in the discharge of his duties, the assistance and cooperation of other officials of the municipality.

The director of public inprovements shall work in close conjunction with the inspectors of the fire, health, and other interested departments of the city but in any matter having to do with the business of the department of public improvements, the decision of the director of public improvements shall be final and controlling as to any other department of the government of the city, except that all controversial matters relating to the existing functions of the plumbing inspector shall be referred to the board of plumbing examiners for their review and determination.

Sec. 9-207. Same—Right of entry.

The building inspector, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

Sec. 9-208. Fire limits.

The fire limits of the city are hereby established as follows:

All land lying within the corporate limits of the city between Lathrop Avenue West and Lathrop Avenue East from the south side of Bay Street north to McKenna Avenue; plus the land lying within the following described lines.

Beginning at a point on the west bank of the Savannah and Ogeechee Canal and the South Harbor Line of the Savannah River; thence south along the west bank of the Savannah and Ogeechee Canal to the south side of Bay Street; thence east along the south side of Bay Street to the east side of Ann Street; thence south along the east side of Ann Street and the projection of the line that is parallel to and three hundred ten feet west of the west side of West Broad Street to the south side of Gwinnett Street; thence east along the south side of Gwinnett Street ten feet to the east side of Burroughs Street; thence south along the east side of Burroughs Street to the north side of Victory Drive; thence east along the north side of Victory Drive to the west side of Price Street; thence north along the west side of Price Street to the north side of Henry Street; thence east along the north side of Henry Street to the east side of East Broad Street; thence north along the east side of East Broad Street to the south side of Entalman Street; thence east along the south side of Entalman and Grant Streets to the east side of the Bilbo Sewer; thence north along the east side of the Bilbo Sewer to the north side of Flagler Street; thence east along the north side of Flagler Street to the east side of Harmon Street; thence south along the east side of Harmon Street to the north side of Bolton Street; thence east along the north side of Bolton Street to the east side of Ott Street; thence south along the east side of Ott Street to Victory Drive; thence east along the north side of Victory Drive to the west side of Live Oak Street; thence north along the west side of Live Oak Street to the north side of Wheaton Street; thence west along the north side of Wheaton Street to the east side of East Broad Street; thence north along the east side of East Broad Street to the South Harbor Line of the Savannah River; thence west along the South Harbor Line of the Savannah River to the west bank of the Savannah and Ogeechee Canal and the point of beginning.

Sec. 9-209. Permit fees.

(a) No permit shall be issued until the fee prescribed in this section shall have been paid nor shall an amendment to a permit be

approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid. The schedule of fees is as follows:

Total Valuation	*Fee*
Less than $20.00	No Fee
$20.00 to and including $100	$1.00
More than $100 to and including $400.00	2.00
More than $400 to and including $700.00	3.00
More than $700 to and including $1,000.00	4.00
Over $1,000—One fourth of one per cent of the construction cost above $1,000.	

(b) Where work for which a permit is required by the Building Code is started or proceeded with prior to obtaining such permit, the fees above specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of such code in the execution of the work nor from any other penalties prescribed herein.

(c) For a permit for the removal of a building or structure from one lot to another the fee shall be at the rate of $2.00 per $1,000.00 of the estimated value of the building or structure in its completed condition after removal.

(d) For a permit for the removal of a building or structure to a new location within the same lot the fee shall be at the rate of $2.00 per $1,000.00 of the estimated cost of moving of new foundations and of work necessary to put the building or structure in usable condition in its new location.

(e) For a permit for the demolition of the building or structure the fee shall be at the rate of $1.00 for each 10 feet in the height of such buildings or structures plus one per cent additional for each foot of street frontage of the building or structure in excess of 50 feet.

(f) A permit for any projecting sign—$1.00.

(g) For a permit for any marquees and fixed awning—each $3.00.

(h) For a permit for billboards or wooden signs—each $1.00.

(i) For a permit for sky signs on top of walls or buildings—$5.00.

(j) In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, an adjustment of the fee made and a portion of the fee for uncompleted work returned to the permit holder provided that no refund of a prescribed minimum

fee shall be made. Each such discontinuance is due to revocation of permit, a similar adjustment and return may be made provided that no refund be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made, no work shall be resumed until a new application has been made and a new permit has been issued.

(k) The term "estimated cost" as used in this section means the reasonable value of all services, labor, materials and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided that the cost of excavation or grading and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure, is not determined a part of such estimated costs.

Sec. 9-210. Amendments.

The Building Code adopted by section 9-201 is amended and changed in the following respects:

Section 102.1 is amended as follows:

Add "Before any such permit shall be issued, the plans and specifications must be approved by the director of public improvements and be stamped and signed by such director and the inspectors of interested departments as may be directed by the director of public improvements. One copy of such plans and specifications shall be kept at the job site at all times. Before approving any plans, or specifications, the director shall enter thereon a valuation placed by him upon said permit as reflecting in his judgment the best possible estimate of the cost of the proposed building including both materials and labor. Upon completion of construction, alterations or repairs of any building, the owner thereof shall furnish to the director of public improvements an affidavit showing the entire cost of said building including both labor and materials and of any permanent fixtures therein. If there shall be a variance between the actual cost of construction as shown by the owners affidavit upon completion and the amount for which the permit was issued, the director shall adjust with the owner any over or under charge upon the fee in connection with such permit for such building."

Section 102.6 is to be deleted and the following substituted:

"Applications for permits shall be accompanied by two copies of the plans and specifications of the proposed building. One copy shall

be signed and returned to the owner to be kept at the job site. The other copy shall remain in the office of the director of public improvements.

"The plans and specifications required to be filed with the director of public improvements shall be accompanied by a written certification of a registered architect or engineer certifying that the general arrangement of the entire construction on all important details including the size, length, qualities, proportions and the dead and live loads are in conformity with the provisions of this code except that no such certification shall be required when the building is to be used as a single family residence or other buildings where because of the simplicity of design, the director of public improvements waives this requirement."

Section 106 is to be deleted and the following substituted:

"Penalties. Any person, firm or corporation who shall violate any of the said provisions of this ordinance or any person who shall aid, abet, or assist any other person in violation of this ordinance shall, upon conviction, in the police court in the City of Savannah, be subject to a fine of $100 or imprisonment not to exceed 30 days, either or both."

Section 107 is to be deleted and the following substituted:

"Board of review. The mayor with the approval of council shall appoint a board of seven members, to serve as an advisory council to the director of public improvements. There shall be at least one registered architect, one registered engineer, one contractor, one master plumber, one licensed electrician, a representative of the fire department, and a realtor on the council at all times. Each member of the board shall serve for a term of three (3) years. Controversies may be taken to this board which shall make a recommendation to the director of public improvements but its recommendation shall not be binding upon him nor the department of public improvements."

Section 200. Delete the definition of "alterations" under paragraph (c) and substitute the following:

"Alterations as applied to a building or structure means a change or rearrangement in the structural parts or in the exit facilities or in any part of the building that would affect the structural safety or exits of the building; or an enlargement, whether by extending on a side or by increasing in height; or moving from one location or position to another; or any change that would affect a vital element

of an elevator, plumbing, gas piping, wiring or heating installation; or that would be in violation of a provision of law or ordinance."

Section 400.5. Amend by adding the following:

"Housing buildings or business buildings located in areas within the fire limits that the director of public improvements determines contains no great fire hazard and afford reasonable assurance against the spread of fire."

Section 403.4 (i). Delete and substitute:

"Any type awning, attached to buildings, may extend beyond the street line but not nearer than 18 inches to the curb line; provided that when let down to their full extent, they are not less than eight feet above the sidewalk at all points; provided further that the director of public improvements has the right to require the removal of any existing awning when he considers its removal necessary in the interest of the public."

Section 802.1 (3). Amend by adding the following:

"The use of wood shingles shall not be permitted."

Section 904.2. Delete and substitute the following:

"Paragraph 2. Support of Neighboring Land, Buildings and Structures.

"(a) The owner of land adjacent to an excavation has the right to lateral support to his land and the excavator thereby has the duty imposed on him to preserve the support of the adjoining land.

"(b) Where there are buildings or structures on the adjoining land, the excavator shall exercise ordinary care and take reasonable precautions to sustain the land, buildings and structures of the adjacent owner so as to avoid injury thereto.

"(c) In case there is a party wall along a lot line of the premises where an excavation is being made, the person causing the excavation to be made shall, at his own expense, preserve such party wall in as safe a condition as it was before the excavation was commenced and shall, when necessary, underpin and support same by proper foundations."

Appendixes: The appendixes of the 1955 Edition of N. B. F. U. building code shall be deemed good practice and compliance with these appendixes shall be at the discretion of the director of public improvements, except that:

(1) Appendix N, "Protection Against Subterranean Termites", and Appendix K, "Windstorm Resisting Construction" (most severe

requirements) are hereby made a part of the Building Code and compliance with their provisions is mandatory.

(2) Appendix L is to be deleted and the following substituted: "The use of wood shingles shall not be permitted."

TITLE 10.

CEMETERIES.[1]

§ 10-101. Definition.
§ 10-102. Jurisdiction of park and tree commission.
§ 10-103. Authority to close.
§ 10-104. Sale of lots generally.
§ 10-105. Funds derived from sale of lots—Deposit and use.
§ 10-106. Same—Investment.
§ 10-107. Transfer of lots.
§ 10-108. Lots to be used only for burial of mankind.
§ 10-109. Lot owners not to allow interments for remuneration.
§ 10-110. Disinterments.
§ 10-111. Notice of interments.
§ 10-112. Burial orders.
§ 10-113. Marking of grave location.
§ 10-114. Order to open grave.
§ 10-115. Lot lines.
§ 10-116. Design of improvements.
§ 10-117. Avenues and walks may be laid out and altered.
§ 10-118. Obstruction of avenues or pathways.
§ 10-119. Accumulation of boxing material.
§ 10-120. Fences to be approved.
§ 10-121. "For sale" signs prohibited.
§ 10-122. Supervision of contractors and workmen.
§ 10-123. Monuments and ledgerstones generally.
§ 10-124. Overcrowding monumental work.
§ 10-125. Monuments and exposed parts of vaults to be of marble or granite.

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1. For state law authorizing any municipality to act as trustee of funds donated to cemeteries within its limits, see Ga. Code Ann., § 69-506.

For special legislative authority of the city to acquire land outside the corporate limits for cemetery purposes, see § 1-112. For provisions relative to contracts for the care of cemetery lots, see § 1-114. For provisions relative to water charges to consumers in Bonaventure and Laurel Grove Cemeteries, see § 1-2506.

For ordinance provisions as to time limit on burials, see § 29-117.

§ 10-126. Work permits.
§ 10-127. Monument foundations.
§ 10-128. Coping foundations.
§ 10-129. Exposed masonry or concrete work prohibited.
§ 10-130. Delivery of construction material.
§ 10-131. Improvement contractors to restore grade and sod.
§ 10-132. Contractors to repair damaged roadways, monuments, etc.
§ 10-133. Injury to property generally.
§ 10-134. Unauthorized removal of monuments, markers, etc.
§ 10-135. Removal of offensive monuments, structures, etc.
§ 10-136. Disposition of material when work suspended.
§ 10-137. Planting of trees, plants, etc.
§ 10-138. Right of lot owners to cultivate trees, shrubs, etc.
§ 10-139. Planting of hedges or other borders.
§ 10-140. Removal of plants or flowers generally.
§ 10-141. Removal of detrimental trees, plants, etc.
§ 10-142. Cutting of grass and weeds.
§ 10-143. Disorderly conduct.
§ 10-144. Speed limit.
§ 10-145. Children to be accompanied by parents or guardians.
§ 10-146. Trucking.
§ 10-147. Advertising.
§ 10-148. Storage of material.
§ 10-149. Soliciting work prohibited.
§ 10-150. Trespassing upon grass plats.
§ 10-151. Trespass on lots.
§ 10-152. Discharge of firearms and fireworks.
§ 10-153. Bonfires prohibited.
§ 10-154. Sale of merchandise, solicitation of money, etc., prohibited.
§ 10-155. Removal of refuse.
§ 10-156. Wires, boards, etc., prohibited.
§ 10-157. Removal of notices or signs.
§ 10-158. Delinquent accounts.
§ 10-159. Deposit and expenditure of water rent, etc.
§ 10-160. Rules and regulations.
§ 10-161. Greenwich Addition to Bonaventure Cemetery—Dedication.
§ 10-162. Same—Perpetual care lots to be perpetuated in grass.
§ 10-163. Same—Mausoleums—Location generally.
§ 10-164. Same—Same—Setback.
§ 10-165. Same—Same—Approval of park and tree commission.
§ 10-166. Same—Same—Construction.
§ 10-167. Laurel Grove Cemetery—Keeper.
§ 10-168. Same—Burial of nonresidents, etc.
§ 10-169. Same—Burial of paupers.

Sec. 10-101. Definition.

As used in this title, the term "cemetery" shall mean any cemetery owned or controlled by the city.

Sec. 10-102. Jurisdiction of park and tree commission.[2]

All cemeteries shall be under the jurisdiction of the park and tree commission. (Code 1945, § 43-232.)

Sec. 10-103. Authority to close.

The park and tree commission may, at its discretion, temporarily close to the public any portion of any cemetery during the time of any alterations or improvements, or whenever it may be deemed best for the public good, and all persons are prohibited from entering any such place, when so closed. (Code 1945, § 43-220.)

Sec. 10-104. Sale of lots generally.

No person shall purchase in his own name more than two lots in either Laurel Grove or Bonaventure Cemetery, and such lots shall be conveyed upon the express condition that they shall not be aliened or conveyed by the purchasers or their heirs or assigns to any other person whomsoever, without the consent of the council given in a resolution passed for that purpose; and upon the further condition, that the council shall always have the right and power to regulate the manner of interments in the lots, and that the sale shall be subject to the rights and powers of the park and tree commission.

It shall not be lawful for the council to give its consent provided for in this section for the sale of a lot, unless it shall be made to appear to the council that the purchaser is reselling at a price not in excess of the price paid by him to the city. (Code 1945, §§ 43-149, 43-150.)

Sec. 10-105. Funds derived from sale of lots — Deposit and use.

All funds derived from cemetery lots sold in perpetuity shall be administered by the council as follows: When a lot is sold under

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2. For special legislative provisions relative to the park and tree commission, see §§ 1-1304 to 1-1320.

perpetuity, that portion of the purchase price which represents the fixed cost of the lot shall be turned over to a trust fund to be used for the purpose of keeping and maintaining and beautifying the cemetery. The balance of the contract price for perpetuity shall be deposited in a special trust account held by the council to be used and administered by it for the upkeep of the particular lots sold in perpetuity.

All funds arising from the sale of graves not in perpetuity shall be deposited in a trust fund and used for the operation, maintenance and beautifying of the cemetery. (Code 1945, §§ 43-234, 43-235.)

Sec. 10-106. Same—Investment.

All funds paid for cemetery lots and funds paid for perpetuity care may, in the discretion of the city manager and director of finance and with the approval of the mayor, be invested in such securities as are allowed by the laws of the state for the investment of trust funds. (5-25-56, § 1.)

Sec. 10-107. Transfer of lots.

No transfer or assignment of any cemetery lot or any interest therein shall be valid, unless the provisions in the deed covering the same are complied with. (Code 1945, § 43-159.)

Sec. 10-108. Lots to be used only for burial of mankind.

No lot in any cemetery shall be used for any other purpose than as a burial place for mankind. (Code 1945, § 43-158.)

Sec. 10-109. Lot owners not to allow interments for remuneration.

No owner of any cemetery lot shall allow any interment to be made therein for remuneration. (Code 1945, § 43-159.)

Sec. 10-110. Disinterments.

No disinterment shall be allowed at any cemetery, except by the consent of the health officer and upon the written order of the owner of the lot. All disinterments shall be made by the cemetery authorities. (Code 1945, § 43-160.)

Sec. 10-111. Notice of interments.

When interments are to be made, notice of the same must, in all cases, be given at the cemetery or the office of the park and tree commission at least six hours previous to the time of interment. (Code 1945, § 43-161.)

Sec. 10-112. Burial orders.

Each sexton or keeper of a cemetery shall demand and require, with each application to him for burial of any deceased person, an order of burial signed by the health officer, setting forth the name, sex, color, age, nationality, residence, day of death, cause of death and name of attending physician, and in no instance shall any sexton or keeper of any cemetery permit the body of any person to be interred without such order of burial.

The health officer shall be required to give an order of burial whenever application is made to him, basing the order upon a proper certificate from a physician, coroner or other responsible person, made out and filled according to the form adopted by the state board of health, and the authority to give an order for the burial of any and all deceased persons shall be vested in the health officer alone. (Code 1945, §§ 31-113, 43-153.)

Sec. 10-113. Marking of grave location.

The location for a grave must be marked out on the cemetery lot by the owner of the lot or some member of the family or by the duly authorized undertaker. (Code 1945, §§ 43-161, 43-162.)

Sec. 10-114. Order to open grave.

When an interment is to be made, the lot owner must send an order in writing to open the grave and the park and tree commission or the cemetery keeper will not be responsible for orders received by telephone. (Code 1945, §§ 43-162, 43-163.)

Sec. 10-115. Lot lines.

Lines to cemetery lots must be furnished by the department of public improvements before contractors will be permitted to set coping. Any errors made by contractors due to not following lines given by the department of public improvements shall be corrected by the contractor at his expense. (Code 1945, § 43-186.)

Sec. 10-116. Design of improvements.

The design of any improvement at a cemetery shall be in harmony with the lot and surroundings. (Code1 945, § 43-166.)

Sec. 10-117. Avenues and walks may be laid out and altered.

The park and tree commission may lay out or alter such avenues or walks as it may deem requisite and proper to secure and promote the improvement of cemeteries. (Code 1945, § 43-180.)

Sec. 10-118. Obstruction of avenues or pathways.

Monumental material or apparatus must not obstruct avenues or pathways in cemeteries. (Code 1945, § 43-195.)

Sec. 10-119. Accumulation of boxing material.

Boxing material will not be allowed to accumulate at cemeteries and must be removed immediately. (Code 1945, § 43-195.)

Sec. 10-120. Fences to be approved.

No fence shall be placed or erected in or around any cemetery lot, the material and design of which has not first been approved by the park and tree commission. (Code 1945, § 43-178.)

Sec. 10-121. "For sale" signs prohibited.

No sign indicating that a lot is for sale shall be permitted on the grounds of any cemetery. (Code 1945, § 43-179.)

Sec. 10-122. Supervision of contractors and workmen.

Contractors and workmen, while employed in a cemetery, shall be under the supervision of the cemetery authorities. (Code 1945, § 43-183.)

Sec. 10-123. Monuments and ledgerstones generally.

The proprietor of each cemetery lot shall have the right to erect only one marble or granite memorial upright stone, to be known as a family stone, but such additional ledgerstones as may become necessary to cover separate graves, or individual markers in lieu

thereof, may be used. All ledgerstones or individual markers must be set flush with the ground. No slab shall be set in any other than a horizontal position. In a single grave section, ledgers or markers only may be used and they must be made of marble or granite and set flush with the ground. (5-15-46, § 2.)

Sec. 10-124. Overcrowding monumental work.

Monumental work shall not be overcrowded so as to mar the beauty and effectiveness of the design for the individual lot or cause similar injury to improvements upon lots in the vicinity. (Code 1945, § 43-167.)

Sec. 10-125. Monuments and exposed parts of vaults to be of marble or granite.

All monuments and all exposed parts of vaults aboveground at a cemetery shall be made of marble or granite. (5-15-46, § 2.)

Sec. 10-126. Work permits.

All monument contractors and other persons are required to obtain a permit from the office of the park and tree commission before commencing work upon any monument, coping, or the like, in any cemetery and cemetery keepers shall not permit the work to start, until a proper permit has been obtained covering the work to be done.

No person other than a lot owner or member of his family working on his own lot shall be allowed to work in a cemetery, or any lot thereof, without express authority from the park and tree commission. (Code 1945, §§ 43-185, 43-204.)

Sec. 10-127. Monument foundations.

All monumental work in cemeteries must be provided with masonry or concrete foundations.

All monumental work in cemeteries must have the surface next to the foundation dressed off sufficiently true to allow every part to be in contact with the foundation and must be set in a solid bed of cement mortar.

The removal or building up of any part of the foundations and the use of spawls between the base stone and foundation or any other defective workmanship will not be allowed. (Code 1945, §§ 43-187, 43-192, 43-193.)

Sec. 10-128. Coping foundations.

Copings in cemeteries must have foundations two and one-half feet in depth and of the same thickness as the coping and extending one foot on each side of the joint. Such foundations may be either masonry or concrete, subject to the approval of the park and tree commission. (Code 1945, § 43-191.)

Sec. 10-129. Exposed masonry or concrete work prohibited.

No exposed masonry or concrete work will be allowed in any portion of any cemetery without expressed authority from the park and tree commission. (Code 1945, § 43-182.)

Sec. 10-130. Delivery of construction material.

All material for the construction of improvements on a cemetery lot must be delivered at the lot and adjacent lots shall not be trespassed upon. No such material shall be delivered to a cemetery, unless required for immediate use. (Code 1945, §§ 43-194, 43-195.)

Sec. 10-131. Improvement contractors to restore grade and sod.

In making improvements upon cemetery lots, the contractor must restore the grade and sod to the satisfaction of the cemetery authorities. (Code 1945, § 43-198.)

Sec. 10-132. Contractors to repair damaged roadways, monuments, etc.

If any roadway should be damaged by trucking over the same or any copings, monuments or other property injured in any way by any contractor performing work in any cemetery, the damage or injury shall be repaired at the expense of the contractor. The sod left over after such work is completed shall become the property of the cemetery. (Code 1945, § 43-199.)

Sec. 10-133. Injury to property generally.[3]

No person shall mutilate, injure, cut, mark upon, deface, remove

3. For state law as to injuring monuments, tombstones and other fixtures in public or private burying grounds, see Ga. Code Ann., § 26-8109. As to injuring public property generally, see § 24-133.

or destroy any bench, fountain, fence, house, monument, structure or property of any kind in any cemetery, or any lot thereof. (Code 1945, § 43-217.)

Sec. 10-134. Unauthorized removal of monuments, markers, etc.

No person shall have the right to remove from any cemetery, without proper written authority, any monument, tombstone, headstone, slab, marker, coping, garden tile, and the like. Such written authority shall be presented to the keeper of the cemetery before any such removal. (Code 1945, § 43-184.)

Sec. 10-135. Removal of offensive monuments, structures, etc.

If any monument, effigy or other structure, or any inscription is placed in or upon any cemetery, which is determined by the park and tree commission to be offensive or improper, the commission shall have the right and it is its duty to remove the same. (Code 1945, § 43-169.)

Sec. 10-136. Disposition of material when work suspended.

When work on any cemetery lot is suspended for any reason, all material pertaining thereto must be confined to the lot or removed to such place as the cemetery authorities may direct. (Code 1945, § 43-202.)

Sec. 10-137. Planting of trees, plants, etc.

No trees, shrubs, plants or flowers of any kind whatever may be planted on the grass plats in any cemetery or on any other portion of the cemetery grounds, except by the park and tree commission or by express permission of the park and tree commission. (Code 1945, § 43-176.)

Sec. 10-138. Right of lot owners to cultivate trees, shrubs, etc.

The proprietor of each cemetery lot shall have the right to cultivate trees, shrubs, plants and flowers on the same, subject to the approval of the park and tree commission, but no tree or shrub

growing within the lot shall be trimmed, cut down, mutilated or destroyed, without the permission of the park and tree commission. (Code 1945, § 43-171.)

Sec. 10-139. Planting of hedges or other borders.

The planting of hedges or other borders upon cemetery lots shall not be allowed, except by the express permission of the park and tree commission. (Code 1945, § 43-175.)

Sec. 10-140. Removal of plants or flowers generally.

It shall be unlawful for any person to remove or pick any plants or flowers from any part of a cemetery; provided, however, that any person who might wish to remove a plant from a lot in any cemetery may, at the time of placing the plant on the lot, register with the keeper of the cemetery, on a form provided for the purpose, the name of the plant, the number of each, the lot upon which it has been placed and the signature of the party authorized to remove the same. If this section is complied with, permission for removal of the plant may be granted, in which event, the same party who signed the original registry card must again attach his signature to the card as a receipt for the plant. (Code 1945, §§ 43-170, 43-172.)

Sec. 10-141. Removal of detrimental trees, plants, etc.

If any trees, shrubs or plants situated on any cemetery lot shall, by means of their roots, branches or otherwise, become detrimental to the adjacent lots or avenues, or dangerous or inconvenient to vehicles or pedestrians, it shall be the duty of the park and tree commission to remove the trees, shrubs or plants, or such parts thereof as are detrimental, dangerous or inconvenient, after notice to the lot owner. (Code 1945, § 43-174.)

Sec. 10-142. Cutting of grass and weeds.[4]

The park and tree commission may at any time enter upon any cemetery lot to keep the same neat, and clear off the grass and weeds therefrom and appropriate the same to its own use. (Code 1945, § 43-177.)

4. As to cutting and removing weeds generally, see §§ 29-106, 29-107.

Sec. 10-143. Disorderly conduct.[5]

It shall be unlawful for any person to engage in any boisterous, offensive, improper or disorderly conduct in any cemetery. (Code 1945, § 43-215.)

Sec. 10-144. Speed limit.[6]

It shall be unlawful for any person to operate any vehicle within a cemetery at a greater speed than fifteen miles per hour. (Code 1945, § 43-229.)

Sec. 10-145. Childern to be accompanied by parents or guardians.

All children must be accompanied by their parents or guardians while on the grounds of any cemetery. (Code 1945, § 43-229.)

Sec. 10-146. Trucking.

Heavy trucking will not be allowed in the grounds of any cemetery at any time during which it may do injury. (Code 1945, § 43-196.)

Sec. 10-147. Advertising.[7]

No person shall advertise in any manner in any cemetery, nor shall any advertisement in any form be allowed upon monumental work in a cemetery. (Code 1945, § 43-200, 43-214.)

Sec. 10-148. Storage of material.

Material must not be stored in any part of a cemetery, except by express permission of the park and tree commission. (Code 1945, § 43-203.)

Sec. 10-149. Soliciting work prohibited.

Soliciting work in any cemetery by gardeners or other workmen or placing business cards upon lots is prohibited. (Code 1945, § 43-207.)

5. As to disorderly conduct generally, see § 24-103.
6. As to speed limit generally, see § 22-115.
7. As to advertising generally, see Tit. 4.

Sec. 10-150. Trespassing upon grass plats.

No person shall trespass, ride, drive or walk upon or across any grass plat in any cemetery. (Code 1945, § 43-208.)

Sec. 10-151. Tresspass on lots.

All visitors and workmen are strictly forbidden to walk upon or in any way to trespass upon any cemetery lot. (Code 1945, § 43-211.)

Sec. 10-152. Discharge of firearms [8] and fireworks.

It shall be unlawful for any person to discharge any pistol, gun, firecracker or any explosive or combustible fireworks in any cemetery. (Code 1945, § 43-213.)

Sec. 10-153. Bonfires prohibited.[9]

It shall be unlawful for any person to build a bonfire upon the grounds of any cemetery. (Code 1945, § 43-213.)

Sec. 10-154. Sale of merchandise, solicitation of money, etc., prohibited.

No person shall offer for sale or sell any merchandise or article whatsoever, nor conduct business of any kind, or solicit any money or other thing, in any cemetery. (Code 1945, § 43-214.)

Sec. 10-155. Removal of refuse.[1]

Gardeners or other workmen must immediately remove all refuse material from cemetery lots, upon which they perform work, to such places as may be designated by the cemetery authorities. (Code 1945, § 43-206.)

Sec. 10-156. Wires, boards, etc., prohibited.

No wires, notices, signs, boards or similar things shall be fastened to any tree or placed in any cemetery. (Code 1945, § 43-218.)

8. As to firearms generally, see §§ 24-105 to 24-109.
9. As to fires in public places generally, see § 14-104.
1. As to garbage and trash generally, see Tit. 17.

Sec. 10-157. Removal of notices or signs.

No person shall remove, deface or injure any notice or sign placed by the park and tree commission in any cemetery. (Code 1945, § 43-219.)

Sec. 10-158. Delinquent accounts.

All water and care of lot service that has not been paid for any current year on or prior to December thirty-first of that year will be discontinued and not resumed, until the indebtedness has been paid in full, nor will permission be granted for any person to perform work on the lot as long as there is any indebtedness outstanding against it.

All accounts, whether care of lots, water service or miscellaneous work in cemeteries, which have not been settled in full prior to the thirty-first of December of any year will be placed in the hands of the city attorney for collection. (Code 1945, §§ 43-224, 43-228.)

Sec. 10-159. Deposit and expenditure of water rent, etc.

All moneys collected from water rent or any other source in any public cemetery shall be paid into the city treasury, to be expended only under regular appropriation. (Code 1945, § 43-151.)

Sec. 10-160. Rules and regulations.

The park and tree commission may make such rules and regulations for the government and improvement of cemeteries as it may deem requisite and proper. (Code 1945, § 43-180.)

Sec. 10-161. Greenwich Addition to Bonaventure Cemetery—Dedication.

That certain tract of land known as "Greenwich" containing sixty-five acres of high land, twenty and five-tenths acres of reclaimed marsh and ninety-six acres of salt marsh, located just east of the present corporate limits of the city, is hereby set apart and dedicated as a public cemetery to be known by the name of "Greenwich Addition to Bonaventure Cemetery". (Code 1945, § 43-231.)

Sec. 10-162. Same — Perpetual care lots to be perpetuated in grass.

All lots in the Greenwich Addition to Bonaventure Cemetery, which are under perpetual care, shall be perpetuated in grass. (Code 1945, § 43-291.)

Sec. 10-163. Same — Mausoleums — Location generally.

Mausoleums may be erected only in such portions of the Greenwich Addition to Bonaventure Cemetery as shall have first been approved by the park and tree commission. No mausoleum shall be erected on any lot located in section eleven and no mausoleum shall be erected upon an area which shall not permit or make available for landscaping a space of five feet on either side from the outside wall of the mausoleum, which shall be landscaped under the supervision and approval of the park and tree commission. (Code 1945, § 43-291.)

Sec. 10-164. Same—Same—Setback.

The front of all mausoleums or vaults in the Greenwich Addition to Bonaventure Cemetery must be set back fifteen feet from the edge of any roadway. (5-15-46, § 3.)

Sec. 10-165. Same—Same—Approval of park and tree commission.

The designs and specifications for a mausoleum in the Greenwich Addition to Bonaventure Cemetery shall be submitted to the park and tree commission for its approval and the commission shall have the right to prohibit the erection of any mausoleum or like structure that is not considered by it suitable or desirable, either by reason of size, design, architecture, material or other reason considered objectionable. (Code 1945, § 43-291.)

Sec. 10-166. Same—Same—Construction.

The construction of a mausoleum in the Greenwich Addition to Bonaventure Cemetery shall be done with the cooperation of the park and tree commission, and all workmen engaged in such construction shall be under the authority of the superintendent of the cemetery to insure that they do not encroach upon adjoining lots and that they do not interfere with roadways or destroy them. The

contractor on such job shall be required to leave no unsightly or partly finished work. (Code 1945, § 43-291.)

Sec. 10-167. Laurel Grove Cemetery—Keeper.

The park and tree commission shall elect an officer to be called the keeper of Laurel Grove Cemetery. It shall be the duty of such keeper to watch, protect and keep in good order and condition the Laurel Grove Cemetery and the public property attached to the same, to keep at all times sufficient labor to work within the cemetery grounds, to dig all graves promptly upon the written request of any person, to attend the gate at the main entrance for the purpose of opening the same in the morning and closing it at evening, and to perform by himself and laborers such other service relating to the cemetery and interments therein as the park and tree commission may prescribe. The keeper shall have the use of the dwelling, kitchen and outhouses, and of half an acre of land for a garden. (Code 1945, § 43-128.)

Sec. 10-168. Same—Burial of nonresidents, etc.

A certain part of the Laurel Grove Cemetery shall be designated for the interment of the remains of strangers, nonresidents and persons not buried at the public expense, and persons not owning lots. (Code 1945, § 43-132.)

Sec. 10-169. Same—Burial of paupers.

A certain part of the Laurel Grove Cemetery shall be designated for the interment of the remains of persons who may die leaving no effects, and the expense of any such interments shall be paid out of the city treasury, in such manner as the council may, by resolution, prescribe. (Code 1945, § 43-131.)

TITLE 11.

CONTRACTS AND PURCHASES.[2]

Chap.
11-1. In General, §§ 11-101 to 11-106.
11-2. Supervisor of Purchases, §§ 11-201 to 11-205.

Chapter 11-1. In General.

§ 11-101. Determination of wage rates.
§ 11-102. Contract provisions relative to labor, wages, etc.
§ 11-103. Officers not to be interested in contracts.
§ 11-104. Contractors to give security.
§ 11-105. Approval of vouchers.
§ 11-106. Unauthorized purchases.

Sec. 11-101. Determination of wage rates.

Not later than July fifteenth of each year, a committee composed of two general contractors, one subcontractor, two representatives of labor and two members of the city council be appointed by the mayor for the purpose of conducting a survey and determining hourly wage rates to be included in the specifications on all contracts awarded by the city, in order to set the prevailing wage rates in accord with section 11-102 of this Code. This committee shall report its findings, together with its recommendations, to the city manager not later than the following October first. It shall then become the duty of the manager to determine whether or not these findings are acceptable and report them, or modifications thereto, to the council for final approval. After approval by the council, these wage rates shall prevail, until modified by another committee appointed in the manner herein provided, and its findings acted upon by the council. The council shall have the right to modify, amend or change these hourly rates at any time. (6-17-49, § 1.)

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2. For special legislative provisions relative to contracts with fair associations, see § 1-138. For provisions relative to contracts of the industrial and domestic water supply commission, see §§ 1-2517, 1-2518.
For ordinance provisions as to purchase of parking meters, see § 22-203.

Sec. 11-102. Contract provisions relative to labor, wages, etc.

In all contracts made by the city, or its duly authorized officers, there shall be inserted a provision to the following effect: "It is mutually understood and agreed, and a part of the consideration to the Mayor and Aldermen of the City of Savannah for the making of the contract, that in the carrying out of this contract, citizens of the City of Savannah shall be given the preference for employment to perform all labor required by this contract to be performed; that the rate of wages to be paid shall not be less than the ruling rate of wages paid within the City of Savannah for the performance of work of the character specified, and that in the purchase of materials to be used in the carrying out of this contract, all materials practicable to be obtained in the City of Savannah shall be purchased in the City of Savannah". (Code 1945, § 34-101.)

Sec. 11-103. Officers not to be interested in contracts.

It shall be unlawful for any officer of the council or any person holding any appointment under the council, with any salary annexed thereto, to be concerned, directly or indirectly, in any contract with the council, or its agents or officers, or in any contract or engagement of a pecuniary character in which the city is either directly or indirectly concerned. Any person violating this section may be dismissed from office by the city council, in addition to any other penalty provided in this Code. (Code 1945, § 13-109.)

Sec. 11-104. Contractors to give security.[3]

In every instance when the Mayor and Aldermen of the city, or any authorized officer or agent of the same, shall enter into any contract for the city, the contractor shall give such security for the faithful performance of the contract as may be satisfactory to the Mayor and Aldermen. (Code 1945, § 13-107.)

Sec. 11-105. Approval of vouchers.

No vouchers for the payment of bills for materials and supplies purchased for the city shall be issued, unless approved by the board of purchase. (Code 1945, § 7-103.)

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3. For state law as to bonds of public contractors, see Ga. Code Ann., §§ 23-1705 et seq.

Sec. 11-106. Unauthorized purchases.

No official or employee of the city shall have the authority to incur any indebtedness on account of the city for the purchase of any supplies, other than the supervisor of purchases, under the provisions of this title and under the rules and regulations prescribed by the board of purchase. Any official or employee of the city found guilty of a violation of this section shall be held strictly accountable therefor and subject to removal from office, in the discretion of the city council.

The mayor and aldermen of the city shall not be liable for any purchase made for supplies for the city, unless it is done upon authority of the board of purchase. (Code 1945, §§ 7-113, 7-114.)

Chapter 11-2. Supervisor of Purchases.

§ 11-201. Bond.
§ 11-202. Duties generally.
§ 11-203. Supervision and examination of supplies.
§ 11-204. Duty to keep informed as to supplies on hand.
§ 11-205. Record of bids.

Sec. 11-201. Bond.

The supervisor of purchases shall, before entering upon the duties of his office, give bond payable to the mayor and aldermen of the city for the faithful performance of the duties of his office, in such an amount and with such surety as may be directed and approved by the board of purchase. (Code 1945, § 7-110.)

Sec. 11-202. Duties generally.

The supervisor of purchases shall assemble and compile data and information as to the most available sources for supplies, materials and equipment in current demand by the several departments and offices of the city government, except those otherwise provided for by law. He shall keep regularly advised as to the best prices at which supplies, materials and equipment may be acquired for the use of the city government and keep regularly available at all times all such information for the guidance of the board of purchase and the heads of the departments and offices, with all of whom it shall be his duty to further advise in the performance of his official functions in order to best promote the financial interests of the city.

The supervisor of purchases, in addition to the duties prescribed in this chapter, shall perform such other duties as may be prescribed for him by the city manager. (Code 1945, §§ 7-107, 7-112.)

Sec. 11-203. Supervision and examination of supplies.

The supervisor of purchases shall have supervision over all supplies in all departments and shall have the power to examine the same and all records connected therewith at any time in the performance of his duties. (Code 1945, § 7-109.)

Sec. 11-204. Duty to keep informed as to supplies on hand.

The supervisor of purchases shall keep informed as to the supplies on hand, through inventories to be furnished by the proper officials of the several departments of the city government quarterly, in January, April, July and October, so as to avoid any unnecessary purchase of supplies or equipment of any character. (Code 1945, § 7-105.)

Sec. 11-205. Record of bids.

The supervisor of purchases shall keep a complete and accurate record of all bids submitted for all supplies, equipment and the like. (Code 1945, § 7-108.)

TITLE 12.

DAY NURSERIES AND KINDERGARTENS.[4]

§ 12-101. Definition.
§ 12-102. Permit—Required.
§ 12-103. Same—Application.
§ 12-104. Same—Report required before issuance.
§ 12-105. Same—Designation of number of children allowed.
§ 12-106. Same—Revocation.
§ 12-107. Supervision and inspection.

Sec. 12-101. Definition.

As used in this title, the term "day nursery or kindergarten" shall mean and include any house, home or other premises in the city used for the care of the children, not within the third degree of kinship of the owner of such premises, either for compensation or otherwise. Such term shall not, however, include foster homes, operated under the provisions of title 16 of this Code.

Sec. 12-102. Permit—Required.

It shall be unlawful for any person to establish, maintain or operate a day nursery or kindergarten within the city, unless a permit therefor has been first obtained from the city council and approved by the county department of public welfare. (9-19-47, §§ 2, 6.)

Sec. 12-103. Same—Application.

An application for a permit required by this title shall be made, in writing, to the city council, through the clerk of the council, and shall set forth the following:

(a) The name of the person who is going to operate, conduct and manage the day nursery or kindergarten.

(b) Where the day nursery or kindergarten is to be located.

(c) The number of people to be employed or connected with the day nursery or kindergarten.

(d) A description of the house or the premises to be used or utilized in connection with the day nursery or kindergarten. (9-19-47, § 1.)

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4. As to foster homes, see Tit. 16. As to location of trade stimulating or mechanical game devices near kindergartens, see § 28-102.

Sec. 12-104. Same—Report required before issuance.

Before a permit required by this title shall be issued, a report shall be filed with the city council by the representatives designated by the council for the issuance of such permits. (9-19-47, § 6.)

Sec. 12-105. Same — Designation of number of children allowed.

When a permit is issued under this title, it shall designate the number of children that can be accommodated at the day nursery or kindergarten. (9-19-47, § 3.)

Sec. 12-106. Same—Revocation.

If, in the operation of a day nursery or kindergarten, it should appear to the city council that the same is not being conducted in the best interest of the children cared for therein, the permit therefor may be revoked by the council on notice to the person operating the same and a hearing given to him. (9-19-47, § 8.)

Sec. 12-107. Supervision and inspection.

Every day nursery or kindergarten in the city shall be subject to the supervision and inspection of the city council at all times. (9-19-47, § 7.)

TITLE 13.

ELECTRICITY.[5]

Article I. In General.

§ 13-101. Definitions.
§ 13-102. Title.
§ 13-103. Purpose of title.
§ 13-104. Applicability of title.
§ 13-105. Bond.
§ 13-106. Penalty for violation of title.

Article II. Board of Electrical Examiners.

§ 13-107. Composition; term and compensation of members.
§ 13-108. Examinations—Application; when held; duration.
§ 13-109. Same—Nature of examinations; issuance of certificate of competency; persons required to take and not to take examinations.
§ 13-110. Same—Maintenance electrician.
§ 13-111. Same—Master electrician.
§ 13-112. Same—Sign and display master electrician.
§ 13-113. Examinations to be identical for all members of same class.
§ 13-114. Examination fees.
§ 13-115. Publication of notice of the examination.
§ 13-116. Board to make rules and regulations for examinations.
§ 13-117. Refusal of board to grant certificate—Notice to applicant.
§ 13-118. Same—Applicant's right of appeal or certiorari.

Article III. Electrical Inspector.

§ 13-119. Duties.
§ 13-120. General authority.
§ 13-121. Authority to disconnect hazardous wiring.
§ 13-122. Right of entry.
§ 13-123. Interfering with inspector.

Article IV. Occupational License and Certificates of Competency.

Division 1. Occupational License.

§ 13-124. Required.
§ 13-125. Procedure for revocation.

Division 2. Certificate of Competency.

§ 13-126. Issuance.

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5. For special legislative authority of the city to erect and maintain an electric plant, see § 1-119.

For ordinance provisions as to electric signs, see § 4-210. As to Building Code, §§ 9-201 to 9-210.

§ 13-127. Expiration; application for renewal.
§ 13-128. Renewal fees.
§ 13-129. Certificate of maintenance electricians.
§ 13-130. Revocation and suspension—Grounds.
§ 13-131. Same—Hearing and appeal.

Article V. Permits.

§ 13-132. Required.
§ 13-133. To whom issued.
§ 13-134. Issuance to maintenance electricians.
§ 13-135. Issuance to home owners.
§ 13-136. Application.
§ 13-137. Failure to correct defective work.
§ 13-138. Concealment of work prior to inspection.
§ 13-139. Inspection fees.

Article VI. General Regulations.

§ 13-140. Minimum standards.
§ 13-141. All work to be done by qualified electricians.
§ 13-142. Right of holder of city franchise to perform electrical installations, etc.
§ 13-143. Electricians required to qualify before doing electrical work.
§ 13-144. Unlawful use of name and certificate of competency.
§ 13-145. Concealing improperly made joints.
§ 13-146. Ranges.
§ 13-147. Water heaters.
§ 13-148. Nonportable motors.
§ 13-149. Washing machines.
§ 13-150. Ceiling fans.
§ 13-151. Outlets reachable from grounded floors.
§ 13-152. Short-radius ells.
§ 13-153. Number of receptacles in certain rooms.
§ 13-154. Small appliance load.
§ 13-155. Tampering with electrical installations.
§ 13-156. Portable cords.
§ 13-157. Supervision of electrical installations for fairs, carnivals, etc.
§ 13-158. Lighting of buildings under construction, demolition or repair.
§ 13-159. Outlets for portable electric tools.
§ 13-160. Flourescent and slim-line lighting.
§ 13-161. Refrigerators, ice boxes, cold storage plants and rooms.
§ 13-162. Window display lighting.
§ 13-163. Electric heaters.
§ 13-164. One branch circuit for each store front.
§ 13-165. Wall switches on sign outlets and window lighting.
§ 13-166. Bathroom and toilet lighting.
§ 13-167. Portable signs, appliances or equipment.

§ 13-168. Wiring slim-line or end-to-end fixtures.
§ 13-169. Installations damaged by fire.
§ 13-170. Temporary service.
§ 13-171. Exit lighting.
§ 13-172. Fire alarms and similar systems.
§ 13-173. Metallic tubing in high voltage wiring systems.
§ 13-174. Flashes, timeclocks, transformers, etc.
§ 13-175. Interior window signs and window-border lighting.
§ 13-176. Interior neon or cold cathode lighting.
§ 13-177. Coves.
§ 13-178. Supervision of temporary or transient installations.
§ 13-179. Approval of materials, appliances and devices.
§ 13-180. Additional regulations.

Article VII. Sign Installations.

§ 13-181. Conductors for neon and cold cathode high-voltage tubing.
§ 13-182. Shop inspection of box signs.
§ 13-183. Transformer enclosures.
§ 13-184. Tabulation glass and bare wire.
§ 13-185. Grounding metal raceways.
§ 13-186. Sign box switches.
§ 13-187. Metal boxes housing circuits for neon lighting.

Article VIII. Special Regulations Governing Wiring.

§ 13-188. Buildings of eleven hundred or more square feet.
§ 13-189. Buildings with less than eleven hundred square feet.
§ 13-190. Authorized variations.
§ 13-191. Location of service disconnecting switches and circuit panels.
§ 13-192. Marking of meters, main switches and sub-main switches.
§ 13-193. New installations.
§ 13-194. Buildings altered, remodeled or extended.
§ 13-195. Excepted dwellings.
§ 13-196. Public buildings.
§ 13-197. Mogul base sockets.
§ 13-198. Maximum number of outlets per circuit for lights and receptacles (Table No. 1).
§ 13-199. Exceptions.

ARTICLE I. IN GENERAL.

Sec. 13-101. Definitions.

For the purposes of this title the following words and phrases shall have the meanings respectively ascribed to them by this section:

The term, *electrical construction,* as used in this title shall be

held to include and govern work and materials used in installing, maintaining or extending a system of electrical wiring for the use of light, heat or power, signal systems and all appurtenances, apparatus, or equipment used in connection therewith, inside of or attached to any building or structure, lot or premises.

The term, *electrical contractor,* as used in this title shall be held to mean a person, firm or corporation engaged in the business of electrical contracting. The person responsible for the electrical work of such contractor shall have qualified as a master electrician according to the terms of this title and shall possess a master electrician's certificate of current validity. Electrical contractors and master electricians shall have the right to employ apprentice electricians and journeymen electricians for the performance of work under the supervision of a master electrician.

The term, *maintenance electrician,* as used in this title shall be held to mean a person who has qualified by examination as to his general knowledge of the electrical industry, pertaining to maintenance thereof. He shall not be employed by more than one person, firm, or corporation at any one time. The work of the maintenance electrician shall be confined to the existing branch circuits, fixtures, apparatus or equipment connected thereto, contained and used upon the premises or in buildings owned, occupied or controlled or under contract by the person, firm or corporation by whom the maintenance electrician is employed. His work shall not include the installation or replacement of service conductors, service equipment or any feeder to any center or centers of distribution or any new branch circuits.

The term, *master electrician,* as used in this title shall be held to mean a person who possesses the necessary qualifications, training or technical knowledge to plan, layout, and supervise the installation of electrical wiring, apparatus or equipment for light, heat, power or signal systems, and who is qualified under the provisions of this title.

The term, *qualified person,* as used in this title shall be held to mean any person qualified under the terms and provisions of this title, including any bona fide owner who desires to perform electrical work on his premises in accordance with the terms and provisions of this title.

The term, *sign master electrician,* as used in this title shall be held to mean a person who possesses the necessary qualifications, training or technical knowledge to plan, layout and supervise the

installation of electrical wiring, apparatus or equipment for signs and displays, from sign transformer through secondary, and who is qualified under the terms and provisions of this title. (11-22-57, § 2.)

Sec. 13-102. Title.

This title shall be known as the Electrical Ordinance of Savannah, Georgia. (11-22-57, § 34.)

Sec. 13-103. Purpose of title.

For the better protection of life and property, and in the interest of public safety, the following rules and regulations be and the same are hereby adopted for the installation, maintenance and repair of electrical wiring, apparatus or equipment for the use of light, heat or power, and requiring the approval of electrical appliances and materials offered for sale within Savannah, Georgia. (11-22-57, § 1.)

Sec. 13-104. Applicability of title.

All land, areas, locations, subdivisions, buildings and structures owned, leased or under the control of the city shall be subject to this title, and all fees for electrical inspections shall be made payable to the city treasurer. (11-22-57, § 19.)

Sec. 13-105. Bond.

Every individual firm, corporation, their agent or employees desiring to engage in the business of electrical contracting, construction, manufacturing, installation and repair of electric signs and display lighting or the installation of wiring apparatus for electric lights, heat or power in the city shall before doing so, file with the clerk of council a bond payable to the mayor and aldermen of the city with good security in the amount of five hundred dollars and this security must be approved by the clerk of council. The bond must state that the person bonded shall discharge his or their duty in connection with his or their business in accordance with the provisions of this Code and other ordinances of the city, and shall pay to the city treasurer all electrical permit fees that may be lawfully charged against him or them in connection with his or their business on or before the twentieth of the month following date of invoice.

Should he or they fail to pay the amount within time specified the electrical inspection department has the right to discontinue further inspection, on charge accounts, until all past due amounts are paid in full. When bond has been approved by clerk of council, a receipt will be issued to the applicant stating that he or they have made satisfactory bond to the city in accordance with this section. This receipt must be approved by the electrical inspector before license will be issued by the city marshal. No person will be permitted to perform any type of electrical, sign or display work within the corporate limits of the city nor will application for permits for inspection be accepted until these requirements are complied with. (11-22-57, § 7.)

Sec. 13-106. Penalty for violation of title.

Any person violating any of the provisions, sections, or subsections of this title shall, upon conviction, be punished by a fine not to exceed one hundred dollars or by imprisonment for a period not to exceed sixty days, either or both, at the discretion of the judge of recorder's court of the city, except as otherwise provided herein. (11-22-57, § 36.)

ARTICLE II. BOARD OF ELECTRICAL EXAMINERS.

Sec. 13-107. Composition; term and compensation of members.

There shall be appointed by the mayor and aldermen a board of examiners of electricians, consisting of four members, of whom one shall be the electrical inspector, two shall be electrical contractors holding a master's certificate, and one shall be a representative from the Savannah Electric and Power Company. The examiners shall be appointed for a term of one year from the first day of January in the year of their appointment, and thereafter annually before the first day of January of each year for terms of one year each, or until their successors are appointed and confirmed. The board shall be designated as the board of electrical examiners and each member of the board shall receive for his compensation the sum of ten dollars for each examination, paid from funds appropriated by the city for this purpose, with the exception of the electrical inspector. The chairman of the board shall be elected by the members of the board. (11-22-57, § 3.)

Sec. 13-108. Examinations — Application; when held; duration.

Applicants desiring to take an examination for master electrician, sign and display master electrician, or maintenance electrician shall notify the examining board in writing, of their intention to take such examination at least ten days before the date of examination set by the board. The board shall then conduct the examination to determine applicant's qualifications according to the rules and regulations of the board of electrical examiners and the terms of this title. Examinations shall be held during the periods between March 21 and March 31, and between September 21 and September 30 of each year, upon such day as the board may designate. Such designation shall be made at least thirty days prior to the examination. Examinations shall commence on the day designated and continue until all applicants appearing for the examination have been examined. (11-22-57, § 3.)

Sec. 13-109. Same — Nature of examinations; issuance of certificate of competency; persons required to take and not to take examinations.

The examination referred to in the preceding section shall be based on questions designed to determine the applicant's practical knowledge of electrical construction as defined in this title, and shall be in whole or in part in writing. Examinations shall be of a technical nature, sufficiently strict to establish the qualifications of the applicants and to satisfy the board as to the applicant's competency as master electrician, sign and display master or maintenance electricians as well as their familiarity with the rules and regulations governing electrical construction. Applicants who pass the examination with a grade of seventy-five per cent or over, will be issued a certificate of competency by the board of examiners authorizing them to supervise or engage in the line of work for which they are qualified, i. e., master electrician, sign and display master or maintenance electrician. Apprentice electricians and journeymen electricians are not required by the mayor and aldermen of the city to take examinations but are permitted to perform electrical work when they are in the employ and under the supervision of a master electrician, sign and display master electrician, or maintenance electrician. Only those electricians applying for certificates as mas-

ter electricians, sign and display masters or maintenance electricians shall be required to take examinations under the terms of this title. (11-22-57, § 3.)

Sec. 13-110. Same—Maintenance electrician.

All examinations for maintenance electricians shall be made in whole or part in writing, and the applicant's answers shall enable the board of examiners to determine applicant's qualifications and familiarity with the rules and regulations governing electrical construction. These examinations will deal with matters contained in the 1956 issue of the National Electrical Code, the special rules set forth in this title, and the electrical inspection division rules adopted governing wiring installations theory and electrical theory. (11-22-57, § 3.)

Sec. 13-111. Same—Master electrician.

The examination for master electrician shall be of the same general character as set forth for maintenance electrician, but shall be broader and more technical in scope to cover details which are not fully explained or contained in the 1956 issue of the National Electrical Code nor contained in the provisions of this title. (11-22-57, § 3.)

Sec. 13-112. Same—Sign and display master electrician.

The examination for sign and display master electrician shall be of the same general character as set forth for maintenance electrician but shall include provisions and requirements in the manufacture, repairs, alterations and installation of electric signs, outline lighting and electric display. (11-22-57, § 3.)

Sec. 13-113. Examinations to be identical for all members of same class.

The written examinations shall be identical in character for electricians of the same classification taking the examinations at the same time. (11-22-57, § 3.)

Sec. 13-114. Examination fees.

Examination fees shall be as follows:
Master and Sign and Display Master Electrician $25.00
Maintenance Electrician $10.00
All money paid for examination fees shall be paid to the electrical inspector's department and turned in to the city treasurer. (11-22-57, § 3.)

Sec. 13-115. Publication of notice of the examination.

Notice shall be inserted in a daily newspaper in which the mayor and aldermen of the city advertise their proceedings at least ten days before the date of the examination setting forth the time, place and date of the examination. (11-22-57, § 3.)

Sec. 13-116. Board to make rules and regulations for examinations.

The board of electrical examiners shall have the right to make reasonable rules and regulations relating to examinations and qualifications of applicants. All rules and actions resulting therefrom, of the board of electrical examiners shall be determined by a majority of the members. (11-22-57, § 3.)

Sec. 13-117. Refusal of board to grant certificate — Notice to applicant.

Whenever the board of electrical examiners shall find after examining an applicant as herein provided that the applicant for either a master electrician, sign and display master electrician or maintenance electrician certificate shall fail to pass the examination, comprised of both theoretical and practical parts, the board of electrical examiners shall refuse to cause a card to be issued to him as either master electrician, sign and display master electrician or maintenance electrician and shall have notified the applicant of this result by causing a written notice to be sent to his last known address as given the board by the applicant. (11-22-57, § 9.)

Sec. 13-118. Same—Applicant's right of appeal or certiorari.

The applicant within ten days from the date the notice required by

the preceding section was placed in the mail shall have the right to appeal to a jury in the superior court of Chatham County, Georgia, or the right within the time provided by law to certiorari the action of the board of electrical examiners to the superior court of Chatham County, Georgia. In the event the applicant appeals, the proceedings shall be tried in the superior court as a de novo proceeding.

In the event the applicant applies for certiorari, the entire record, including but not limited to the questions, answers, diagrams, exhibits, and practical work of the applicant, shall be forwarded by the board of electrical examiners together with their answer, to the superior court of Chatham County, Georgia, in order that the certiorari may be heard and determined. (11-22-57, § 9.)

ARTICLE III. ELECTRICAL INSPECTOR.

Sec. 13-119. Duties.

It shall be the duty of the electrical inspector to inspect all electrical construction, electric sign and display installations and equipment of whatever character, whether inside or outside of buildings and they shall have authority to order removed, repaired or rebuilt, any such construction, signs and displays, or equipment when in their judgment life or property will be better protected thereby; and to see that all laws of force now or that may hereafter be enacted, governing electrical energy or construction, are strictly complied with. (11-22-57, § 11.)

Sec. 13-120. General authority.

The electrical inspector is hereby empowered to inspect or reinspect any wiring, equipment, or apparatus conducting or using electric current for light, heat, or power in the city and if conductor equipment or apparatus are found to be unsafe to life or property, the inspector shall notify the person owning or operating the hazardous wiring or equipment, to correct the condition within a forty-eight hour period or within the time the inspector specified. Failure to correct violations in the specified time constitutes a violation of this title. (11-22-57, § 11.)

Sec. 13-121. Authority to disconnect hazardous wiring.

The electrical inspector is hereby given the power to disconnect

extension cords, temporary wiring, branch circuits, subfeed conductors, or the main service supplying electrical energy to any portion of an electrical wiring system on or in buildings, or on premises, if the wiring is deemed by the inspector to be hazardous to life or property. Any person supplying current must disconnect service from source of supply upon instructions from the electrical inspector where hazards are deemed to exist. (11-22-57, § 11.)

Sec. 13-122. Right of entry.

The electrical inspector shall have the right in the discharge of his duties, to enter any building under construction or completed, any manhole or subway, or to climb any pole for the purpose of examining and testing the electric wires, construction, electric signs and display lighting, therein or thereon contained, and for that purpose he shall be given prompt access to all buildings, public or private, and to all manholes, subways or poles, of the individual or firm owning or in charge of same. (11-22-57, § 11.)

Sec. 13-123. Interfering with inspector.

It shall be unlawful for any person to hinder or interfere with the electrical inspector in the discharge of his duties under the provisions of this title. (11-22-57, § 13.)

ARTICLE IV. OCCUPATIONAL LICENSE AND CERTIFICATES OF COMPETENCY.

Division 1. Occupational License.

Sec. 13-124. Required.

It shall be required of every electrical contractor, firm or corporation engaging in the business of electrical construction, contracting, manufacturing, installation and repair of electrical signs and display lighting in the city to pay the annual license fee before conducting such business and further to have regularly employed to supervise all electrical work, a master electrician or sign and display master electrician duly certified by the board of electrical examiners under the provisions of this title, having in his possession a certificate of competency at all times. In order that proper supervision may be assured in all shops, the master electrician using his certificate of competency as the qualification to secure permits shall

not be permitted to engage in any phase of the electrical industry beyond the person that he represents as qualified. (11-22-57, § 6.)

Sec. 13-125. Procedure for revocation.

Upon receipt of sufficient authentic information, duly investigated, or when the board of electrical examiners believes a violation of any part of the regulations of this title has taken place, the board shall send by registered mail, at least fifteen days prior to the hearing, a letter to the licensed contractor, to his last known address, requiring the license holder to appear at a hearing to determine the proof of such alleged violation; at which time the board will render their decisions within five days after the close of the hearing and shall be one of the following:

(1) Not guilty

(2) Suspension of license or master electrician or master sign and display electrician certificate

(3) Revocation of license or master electrician or master sign and display electrician certificate

It shall be the duty of the master electrician, sign and display master electrician or maintenance electrician whether operating individually, in partnership or in a firm or corporation to notify the electrical inspection department of the place, firm, or corporation that he is employed by as a certified electrician in a supervisory capacity. (11-22-57, § 8.)

Division 2. Certificate of Competency.

Sec. 13-126. Issuance.

Any applicant obtaining a grade of seventy-five per cent or better upon the examination required by section 13-109 of this Code, shall be issued a certificate of competency by the board of electrical examiners authorizing them to supervise or engage in the line of work for which they are qualified, i. e., master electrician, sign and display master electrician, or maintenance electrician.

Sec. 13-127. Expiration; application for renewal.

All certificates shall expire on December 31st of each year and application for renewal shall be made on or before expiration date. (11-22-57, § 3.)

Sec. 13-128. Renewal fees.

The renewal fees for master electrician and sign master and display electrician, and maintenance electrician's certificates shall be two dollars per year. All money paid for renewal fees shall be paid to the electrical inspector's department and turned into the city treasurer. (11-22-57, § 3.)

Sec. 13-129. Certificate of maintenance electricians.

The certificate of maintenance electricians shall bear the name and address of the person by whom they are regularly employed. The certificates shall become null and void if the maintenance electrician changes his place of employment. Maintenance certificates will be transferred or renewed only after inspection and approval of the electrical installations on the premises maintained the previous year. (11-22-57, § 3.)

Sec. 13-130. Revocation and suspension—Grounds.

A certificate of competency which has been granted to any person engaged in any capacity designated in this title, may be revoked by the board of electrical examiners should the holder of a certificate of competency be found guilty by the recorder's court of the city of persistently or wilfully violating any of the provisions of this title. Certificates revoked in this manner shall not be renewed for a period of at least thirty days after the date of revocation, or such longer time, as may be determined by a majority of the members of the board of electrical examiners.

Any certificate issued under this title may be recalled or revoked by the board of electrical examiners should it, at any time, become satisfied that the holder of a certificate is lacking in knowledge of electrical work or construction or fails to comply with the provisions of this title.

Suspension or revocation of certificate of competency shall be considered and acted upon by the board of electrical examiners for any of the following reasons:

(1) Willful violation of the National Electrical Code, the provisions of this title or other electrical ordinances of the city

(2) Deliberate intent to defraud in any manner

(3) Severance of qualified representative (master electrician) from firm shall prohibit the electrical inspector from accepting ap-

plications for electrical inspections. Except that the board of electrical examiners shall have authority to grant to any person a reasonable extension of time not to exceed sixty days for the person to employ a master electrician or sign and display master electrician. (11-22-57, §§ 3, 8.)

Sec. 13-131. Same—Hearing and appeal.

Whenever the board of electrical examiners shall desire to recall or revoke a certificate, they shall before taking such action cause a notice of a hearing to be given at least ten days before the hearing, at which time the applicant shall be given the opportunity to appear with any witnesses which he desires to have subpoened to answer the charges or complaints and he shall be given ten days prior to the hearing a copy and specifications of the charges thereof. The holder of the certificate shall have the right also to appear by counsel. From the action of the board of electrical examiners, if such actions be adverse to him, he shall have the right to appeal to a jury in the superior court the same as herein provided in the event that a certificate were refused him in the first instance. (11-22-57, § 9.)

ARTICLE V. PERMITS.

Sec. 13-132. Required.

A permit shall be issued by the electrical inspection division to a qualified person prior to any electrical work being started on an entirely new installation of permanent or temporary wiring, electrical apparatus or equipment, or for making extensions or attaching to buildings or structures of any character. (11-22-57, § 14.)

Sec. 13-133. To whom issued.

Electrical permits may be issued to master and sign master electricians who are fully qualified under the provisions of this title; owners who qualify according to section 13-135 of this Code; and by duly registered maintenance electricians who qualify according to section 13-134 of this Code. (11-22-57, § 14.)

Sec. 13-134. Issuance to maintenance electricians.

Permits shall be issued to duly qualified maintenance electricians for the maintenance and repairs to existing installations of wiring,

apparatus, or installed equipment contained, or used upon premises or contained in buildings owned or occupied by the person by whom the maintenance electrician is regularly employed. Applications for all permits must be made and fees paid in compliance with the provisions of this article, by the maintenance electricians so employed, before the work is started, when practical, but in cases of emergency, permits shall be applied for within the next twenty-four hours. (11-22-57, § 14.)

Sec. 13-135. Issuance to home owners.

Nothing herein contained shall prohibit any bona fide owner from personally installing electrical wiring in his residence, if he owns and lives there, provided he abides by the following rules and regulations:

(a) Submit plans and specifications to the electrical inspection department for approval.

(b) Satisfy the inspector as to his ability and qualifications to install electrical wiring.

(c) Make application and secure an electrical permit before commencing electrical work of any kind.

(d) File an affidavit that he is the bona fide owner, and will personally install the work on his premises only.

(e) Pay the required permit fees hereinafter set forth.

(f) Perform the electrical work according to the rules and regulations contained in this title and the 1956 issue of the National Electrical Code.

(g) Notify the electrical inspection division when the work is ready for inspection.

(h) Personal installation by an owner must be by himself, for himself, on his own premises without compensation or pay from anyone for his labor or the installation.

An owner exercising this privilege shall conform to all the requirements of this title, and he shall not employ anyone to assist him with the installation. (11-22-57, § 14.)

Sec. 13-136. Application.

Before beginning work or within twenty-four hours after starting work on the wiring of any building or structure for light, heat or power, electric signs and display, or any electrical equipment, apparatus or appliance installed, constructed or alterations to any

electrical system, an application for a permit shall be filed with the electrical inspection division on forms furnished for that purpose, and the forms shall contain an accurate and detailed account of the work contemplated. (11-22-57, § 15.)

Sec. 13-137. Failure to correct defective work.

Any person who fails to correct defective work within five days after having been duly notified of such defects, shall not be issued any further permits by the electrical inspection division until such defects have been corrected, inspected and approved by this division. (11-22-57, § 16.)

Sec. 13-138. Concealment of work prior to inspection.

It shall be unlawful for any person or his agents or employees to cover or conceal any wiring for light, heat or power until a certificate of inspection in the form of a sticker or tag is placed on the main switch box by the electrical inspector signifying that the wiring has been inspected and approved. (11-22-57, § 17.)

Sec. 13-139. Inspection fees.

The office of the electrical inspection division shall charge and collect for electrical permits at the following rates:

The following schedule of fees is applicable to original installation:

Outlets

5 outlets or less	$ .50
From 6 to 15	.75
From 16 to 25	1.25
From 26 to 40	2.00
From 41 to 70	4.00
From 71 to 100	5.00
From 101 to 150	6.00
From 151 to 250	7.00
From 251 to 500	9.00

Sockets

5 sockets or less on fixtures	$ .50
6 to 15 sockets on fixtures	.75
16 to 25 sockets on fixtures	1.25
26 to 40 sockets on fixtures	2.00

41 to 70 sockets on fixtures	4.00
71 to 100 sockets on fixtures	5.00
101 to 150 sockets on fixtures	6.00
151 to 250 sockets on fixtures	7.00
251 to 500 sockets on fixtures	9.00
Signs (Electric)	
First 20 lights	$1.00
Each additional 20 lights or fraction thereof	.50
(Neon) Transformer (first)	1.00
Each additional (if same design)	.50
Flasher, each	1.00
Time clock, each	1.00
Sign repairs, connections or reconnections, each sign	1.00
Fire Detection System	
Installation: Control system	$1.00
Head or target with protectu or wire of similar character, each	.10
Plug Mold	
Plug mold is figured as one outlet per five feet, first 25 feet	$1.00
Motors	
From 0 to 1 H.P.	$ 1.00
Over 1 to 3 H.P.	1.50
Over 3 to 8 H.P.	2.50
Over 8 to 15 H.P.	3.00
Over 15 to 25 H.P.	4.00
Over 25 to 50 H.P.	5.00
Over 50 to 100 H.P.	7.00
All over 100 H.P.	10.00
Miscellaneous	
Electric welders	$1.00
Electric rectifiers	1.00
Electric heaters	1.00
Electric ceiling fans	.50
Electric exhaust fans	1.00
Bell transformers	.50
Electric ranges	1.00
Electric gas heaters	1.00

Electric x-rays	1.00
Loud speaking systems	1.00
Intercommunication systems	1.00
Attic ventilating fans—each	1.00
Air conditioning window units	1.00
Electric gas space heaters	1.00
Electric gas floor heaters	1.00
Electric oil space heaters	1.00
Electric oil floor heaters	1.00
Electric washing machines	1.00
Electric dryers	1.00
Electric dish washers	1.00
Electric disposals	1.00
Each new service	1.00
Change in service	1.00
Each temporary service	1.00

All other heating or cooling systems over 1 H.P. at total connected horsepower rating.

Carnivals, circuses, road shows and similar temporary installations

For carnivals, circuses, road shows and similar temporary installations a permit fee of not less than $15.00 as determined by the electrical inspector, shall be paid.

Reinspection fees

When extra inspection trips are necessary due to any of the following reasons, a charge of one dollar ($1.00) shall be made for each trip:

(a) Wrong address.

(b) Condemned work resulting from faulty electrical construction.

(c) Repairs or corrections not made when inspection is called.

(d) Work not ready for inspection when called.

Other fees

Fee for any other wiring which is not established in the above schedule shall be determined by the electrical inspector.

Minimum fee

In all cases the minimum inspection fee shall be not less than one dollar. (11-22-57, § 20.)

ARTICLE VI. GENERAL REGULATIONS.

Sec. 13-140. Minimum standards.

The 1956 issue of the National Electrical Code is hereby adopted and approved as part of this title, along with the following publication:

Underwriters' Laboratories Inc., "Standard for Electric Lighting Fixtures and Portable Lamps"—Fifth Edition, January 1950. (11-22-57, § 33.)

Sec. 13-141. All work to be done by qualified electricians.

It shall be unlawful for any person not qualified as a master electrician, sign and display master electrician, or maintenance electrician, to do any electrical construction or make any repairs, alterations, additions, or changes to any existing system of electrical wiring, apparatus or equipment for light, heat or power within the limits of the city, except as provided in the following section and sections 13-109 and 13-135 of this Code. (11-22-57, § 4.)

Sec. 13-142. Right of holder of city franchise to perform electrical installations, etc.

Any corporation holding a franchise from the city for the purpose of furnishing electrical current for light, heat or power, shall have the right to install, connect, disconnect or remove meters or their protective devices, without obtaining permits after a certificate of approval has been issued on the installation. (11-22-57, § 4.)

Sec. 13-143. Electricians required to qualify before doing electrical work.

It shall be unlawful for any person to work as a master electrician, sign and display master electrician or maintenance electrician in the city without first appearing in person before the board of electrical examiners and qualifying as provided in this title, and after being qualified by the board, must have in his possession at all times a current certificate of competency. (11-22-57, § 5.)

Sec. 13-144. Unlawful use of name and certificate of competency.

No master electrician, sign and display master electrician or maintenance electrician, representing any person shall allow his name to be used by any other person, directly or indirectly, for the purpose of obtaining a permit or doing electrical work under his certificate. Any master electrician, sign and display master electrician or maintenance electrician or person found guilty in the recorder's court of the city or permitting the use of his name in this manner or violation of any of the provisions, sections, subsections of this title, shall upon conviction thereof, be fined not to exceed one hundred dollars, thirty days imprisonment, either or both, at the discretion of the presiding judge. The electrical inspector shall have the authority to issue or cause to be issued a subpoena to the person violating this title to appear in the recorder's court for a hearing. (11-22-57, § 10.)

Sec. 13-145. Concealing improperly made joints.

It shall be unlawful for any one person to place tape around or otherwise conceal an improperly made joint on any light, heat, or power circuit. (11-22-57, § 22.)

Sec. 13-146. Ranges.

For ranges of eight and three-fourths KW capacity or less, conductor size shall be of at least forty ampere capacity. When oven units are separate from surface units, each unit shall be installed on a separate circuit, served with conductors adequate for load. An approved method of connection shall be provided for each unit. (11-22-57, § 22.)

Sec. 13-147. Water heaters.

The wiring for all water heaters shall be with a minimum wire capacity of twenty amperes. Water heaters of one thousand watts or over shall operate on not less than a two hundred and eight volt circuit. Nonautomatic water heaters shall be equipped with a pilot light and indicating switch. (11-22-57, § 22.)

Sec. 13-148. Nonportable motors.

Nonportable motors of one-third H.P. and over shall be wired

on separate circuits with a minimum number 12 AWG wire (11-22-57, § 22.)

Sec. 13-149. Washing machines.

Washing machine outlets shall be installed on separate circuits, with at least twenty ampere capacity and with a polarized receptacle. (11-22-57, § 22.)

Sec. 13-150. Ceiling fans.

Only three ceiling fans shall be permitted on one circuit. (11-22-57, § 22.)

Sec. 13-151. Outlets reachable from grounded floors.

All outlets that can be reached from the floor must be grounded if installed in nonmetallic sheathed cable, in bathrooms, over sinks, or over any concrete or tile floors or other grounded surfaces, and all light outlets in bathrooms and kitchens, or where they can be reached from masonry floor or grounded surface must be wall-switch controlled. (11-22-57, § 22.)

Sec. 13-152. Short-radius ells.

Short-radius ells, often referred to as "telephone" ells, shall not be used in a run of conduit over five feet long, measured from outlet to outlet, or from outlet to fitting. The run of the pipe shall be straight and shall not include any additional ells. (11-22-57, § 22.)

Sec. 13-153. Number of receptacles in certain rooms.

A sufficient number of receptacles shall be installed in every kitchen, dining room, breakfast room, living room, parlor, library, den, sunroom, recreation room and bedroom so that any point on the wall will not be more than six feet distant from a convenience receptacle. Any free wall space in excess of four feet shall have a receptacle installed within that area, even though it may be nearer than twelve feet to another receptacle required in that section of the room. (11-22-57, § 22.)

Sec. 13-154. Small appliance load.

For the small appliance load in kitchens, laundry areas, pantries,

dining areas and breakfast rooms of dwelling occupancies one or more branch-circuits shall be provided for all receptacle outlets, other than outlets for clocks in these rooms, and such circuits shall have no other outlets thereon. The conductors for such circuits shall be not smaller than twenty ampere capacity. The spacing and number of receptacles per circuit shall comply with the provisions of sections 13-188 to 13-199. Only three wire receptacles will be permitted for receptacle outlets installed over cement or terrazzo floor or any other grounded surface. (11-22-57, § 22.)

Sec. 13-155. Tampering with electrical installations.

It shall be unlawful for any person to tamper with any wiring installation, protective device, or equipment, or to do any work or make any changes thereon, unless he is qualified to do so as provided for in this title. (11-22-57, § 22.)

Sec. 13-156. Portable cords.

Portable cords attached to music boxes, marble machines, floor or table lamps and other similar equipment, shall not exceed six feet in length when measured from the equipment to the outlet supplying its current. Cords shall not be nailed down, tacked, or held with strings or other supports, but shall be left free and clear. (11-22-57, § 22.)

Sec. 13-157. Supervision of electrical installations for fairs, carnivals, etc.

Qualified electricians shall be required to supervise and patrol all temporary electrical installations for carnivals, circuses, and fairs during their occupation in the city as well as any other similar wiring system using current for light, heat, or power, in order that life and property may be protected. This supervision shall be required regardless of the manner in which electricity is generated or supplied. The number of qualified electricians required to supervise in this manner shall be determined by the electrical inspector. (11-22-57, § 22.)

Sec. 13-158. Lighting of buildings under construction, demolition or repair.

All stairways and parts of buildings under demolition, erection

or repair shall be adequately lighted while persons are engaged at work. (11-22-57, § 22.)

Sec. 13-159. Outlets for portable electric tools.

All electric outlets used for portable electrical tools shall be provided with three wire polarized plugs, and all portable electrical tool cables shall be of the three-conductor type, and shall be grounded in accordance with the National Electrical Code. (11-22-57, § 22.)

Sec. 13-160. Fluorescent and slim-line lighting.

Fluorescent (hot and cold cathode) and slim-line lighting shall not exceed on the primary side nine hundred watts per fifteen-ampere circuit, nor one thousand two hundred watts per twenty-ampere circuit. (11-22-57, § 22.)

Sec. 13-161. Refrigerators, iceboxes, cold storage plants and rooms.

In the wiring of refrigerators, iceboxes, cold storage plants and rooms or buildings of similar character, all wires used for light, heat or power shall be installed in rigid galvanized conduit, and galvanized metal outlet boxes, cut-out and distribution cabinets, fittings, etc., shall be installed. Conduits shall be installed in such manner that they will drain to the outlets and cabinets. Conductors installed in conduit must comply with the National Electrical Code standard for damp or wet locations. All conduits entering or leaving refrigeration boxes must have an approved seal-off fitting. (11-22-57, § 22.)

Sec. 13-162. Window display lighting.

The minimum wire capacity for window display lighting shall not be less than two hundred watts per linear foot, and shall not exceed eight outlets per circuit including the convenience receptacles, and not more than two receptacles with each lighting circuit. The minimum size wire for these circuits shall be twenty-ampere capacity. A minimum of two outlets shall be required, at least one above the one below. (11-22-57, § 22.)

Sec. 13-163. Electric heaters.

All electric heaters shall be on a separate circuit and grounded. (11-22-57, § 22.)

Sec. 13-164. One branch circuit for each store front.

At least one branch circuit for signs shall be provided for each store frontage for each individual occupancy, such outlets to terminate outside, on or near the front of the building. (11-22-57, § 22.)

Sec. 13-165. Wall switches on sign outlets and window lighting.

Sign outlets and window lighting shall be controlled by wall switches. (It is suggested that these switches be installed near panel, so that time clock installation, if desired will be conveniently located and less unsightly). (11-22-57, § 22.)

Sec. 13-166. Bathroom and toilet lighting.

Sufficient bathroom and toilet lighting must be installed and must be controlled by wall switches only. (11-22-57, § 22.)

Sec. 13-167. Portable signs, appliances or equipment.

For the purpose of grounding portable signs, appliances or equipment, only three-wire cords with three-wire polarized plugs and three-wire caps shall be used. The use of two-wire plugs, with plate screw stud on and cap on ground wire is hereby prohibited. (11-22-57, § 22.)

Sec. 13-168. Wiring slim line or end to end fixtures.

Wiring of slim line or end to end fixtures: Asbestos one thousand volt No. 14 wire or RH No. 12 wire will be accepted for circuit wiring of fixtures that are installed end to end, to the extent of the supply of that circuit passing through fixture that it supplies. The only permitted use of the fixture as a raceway would be for those fixtures approved by the Underwriters for that purpose with special raceways, and RH No. 12 wiring would be accepted for additional circuits when installed according to this approval. (11-22-57, § 22.)

Sec. 13-169. Installations damaged by fire.

No person shall perform any work on any electrical installation damaged by fire, without first applying to the electrical inspector for a ruling on what portion of the wiring system must be replaced, and the electrical service shall not be connected to any building, inside or outside area of any structure damaged by fire, without the approval of the electrical inspector. (11-22-57, § 18.)

Sec. 13-170. Temporary service.

A ninety day temporary electric service may be granted by the electrical inspector if the wiring installation, apparatus or equipment is found to be in a safe operating condition and provided an urgent necessity for temporary electric service exists. Under these circumstances, an application for temporary service must be filed in advance by the electrical contractor, firm, corporation or owner requesting the temporary service connection to the public utility system or isolated generating plant. (11-22-57, § 12.)

Sec. 13-171. Exit lighting.

All stairways and exits and the passageways shall be properly illuminated. (11-22-57, § 23.)

Sec. 13-172. Fire alarms and similar systems.

Fire alarm systems or similar systems which are devised and installed for safety to life and property, must be installed by a qualified person, regardless of voltage or amperage, and permits obtained for same. Each of such systems shall be inspected semi-annually, and certified by the electrical inspector. (11-22-57, § 24.)

Sec. 13-173. Metallic tubing in high voltage wiring systems.

All isolated runs of electric metallic tubing enclosing a high voltage wiring system shall be grounded regardless of length. The conductors which run from the ground midpoint or ground terminal of a neon transformer may be 600-volt RC or TW wires, provided the run or section of neon tubes is fed directly in the center. Otherwise the wire must be approved high-voltage cable. (11-22-57, § 26.)

Sec. 13-174. Flashers, time clocks, transformers, etc.

When flashers and time clocks are to be installed, each of such connections shall be considered a special outlet, and permits for same are necessary.

When tubes are removed for repairs, jumpers shall be installed, supported with the same clearance as tube, but the jumpers must be removed within seven days.

Only portable transformers may be plugged in. All other transformers shall be permanently connected with an approved method of wiring. (11-22-57, § 27.)

Sec. 13-175. Interior window signs and window-border lighting.

(a) Window-type sign-transformers shall be used for window signs, and they must be especially designed for that purpose, unless the signs are installed in compliance with paragraph (e) of this section.

(b) A sign of the above type shall be designed and installed to form a complete unit in itself. The unit or sign shall be designed so that the frame will carry the entire weight of the sign. The frame shall be fastened to the window sill or other part of the window so that the neon tubing will not carry the weight of the sign.

(c) When signs of this type are made up of two or more units, the tubing shall be so designed that the electrode used to connect the two units of the sign will be in the same place with not more than a two-inch space between the electrodes. The electrodes and connections shall be arranged so that they can be covered by one straight glass alcove or housing.

(d) Glass sleeve, alcove, or housing referred to in the preceding paragraph shall be securely fastened in place. The transformer wires feeding window signs shall drop in the same vertical plane from the transformer to the window signs. Electrodes on window signs which connect to the transformer wires shall be designed and placed so that the wires from the transformer will drop and be readily covered by glass sleeves of sufficient size.

(e) Transformer wires shall swing clear in the air and shall not be supported by or against any combustible material.

(f) Complete secondary wiring systems shall be installed in rigid threaded conduit electric metallic tubing, or flexible conduit.

Other approved means may be used if special permission is obtained from the electrical inspector. (11-22-57, § 28.)

Sec. 13-176. Interior neon or cold cathode lighting.

Approved housings and fittings must be used on all interior series neon or cold cathode lighting, regardless of the milliampere rating of the transformer or the color of the tubing. This shall include interior window border lighting. Neon transformers with a rating of over sixty-milliamperes are not approved for use on any neon or cold-cathode tubing exposed to the weather. (11-22-57, § 29.)

Sec. 13-177. Coves.

Construction of coves for indirect light shall provide the following minimum dimensions for installation and maintenance:

Minimum vertical depth, fourteen and one-half inches from ceiling.

Minimum horizontal width for one tube, four and one-half inches (add two inches to width for each additional tube).

Minimum lip or face cove, four and one-half inches, to provide ten inches of free working space from top of lip to ceiling. (11-22-57, § 30.)

Sec. 13-178. Supervision of temporary or transient installations.

A certified master electrician shall be required to supervise and patrol all temporary electrical installations for carnivals, circuses, and fairs during their operation in the city, as well as any other similar wiring systems using a current for light, heat or power, in order that life and property may be protected. This supervision shall be required whether electricity is purchased or generated by private-owned generator equipment. (11-22-57, § 31.)

Sec. 13-179. Approval of materials, appliances and devices.

No electrical materials, devices, signs and displays or appliances designed for attachment to, or installation on any electrical circuit or system for light, heat or power, shall be installed, used, sold, or offered for sale unless they are in conformity with the approved methods of construction for safety to life and property.

Conformity of electrical materials, devices or appliances with the standard of the Underwriters' Laboratories, Inc., shall mean that these materials are included in an indicated list of inspected electrical appliances published and distributed by the Underwriters' Laboratories, Inc., and the standards approved by the American Standards Association.

The maker's name, trademark, or other identification symbol shall be placed on all electrical materials, devices, or appliances which are sold, or offered for sale or use. These markings and others, such as voltage, amperes, wattage, and power-factor or appropriated ratings described in the National Electrical Code are necessary to determine the character of the materials, device, or equipment, and the use for which it is intended. (11-22-57, § 32.)

Sec. 13-180. Additional regulations.

The director of public improvements is hereby empowered to put into effect reasonable rules and regulations to effectuate the performance of this title. (11-22-57, § 35.)

ARTICLE VII. SIGN INSTALLATIONS.

Sec. 13-181. Conductors for neon and cold cathode high-voltage tubing.

All rules and regulations pertaining to the installation of low voltage wiring shall also apply to the installation of conductors for neon and cold cathode high-voltage tubing. (11-22-57, § 25.)

Sec. 13-182. Shop inspection of box signs.

Box signs shall be inspected in the shop before erection, and an appropriate sticker attesting its acceptability affixed thereto by the electrical inspector. (11-22-57, § 25.)

Sec. 13-183. Transformer enclosures.

Drain holes shall be provided in transformer enclosures exposed to the weather, and shall be reamed or otherwise trimmed to remove burrs that would hold water in the enclosure. The transformer enclosure shall be mounted on the parapet wall or roof by means of racks or frames made of galvanized band-iron, or angle-iron. These racks or frames shall be of sufficient strength to securely hold the weight of the transformer or transformers.

When transformer enclosures are mounted on the roof, they must be elevated at least two inches above the roof, the lid placed upward. Wood shall not be used in mountings, supports, or to elevate transformers, transformer enclosures, or raceways used for wiring same. Bricks, cement, clay, etc., will be accepted for this support when properly strapped or attached. (11-22-57, § 25.)

Sec. 13-184. Tabulation glass and bare wire.

Tabulation glass and No. 14 bare wire shall not be used except as follows:

Short jumpers between neon units on wall signs and channel letters and on flat wall signs where the use of conduit or electric metallic tubing would disfigure the face of the building.

Insulators shall be all glass and at least one and one-half inches long, spaced not more than forty-two inches apart.

Neon tubes and all jumpers, when mounted on any wooden surface exposed to the weather, shall be installed on one and one-half inch stand-off insulators. Open conductors and tubing of the sign shall not be installed on the roof side of the parapet or on top of any roof or parapet.

Conductors and neon tubing shall maintain a height of at least eight feet from the ground, and shall not be installed on walls where they can be reached from platforms, balconies, fire-escapes, or through windows, doors, or other similar openings. (11-22-57, § 25.)

Sec. 13-185. Grounding metal raceways.

All metal raceways shall be grounded in a manner which complies with the grounding regulations contained in the 1956 issue of the National Electrical Code. (11-22-57, § 25.)

Sec. 13-186. Sign box switches.

Each sign box shall have an approved indicating switch. The rating of this switch must comply with the 1956 issue of the National Electrical Code requirements for sign switches. (11-22-57, § 25.)

Sec. 13-187. Metal boxes housing circuits for neon lighting.

Metal boxes shall be bonded together so they will be suitable and properly grounded when used to house electrodes, transformers, or other apparatus used in connection with both primary and secondary circuits for neon lighting. (11-22-57, § 25.)

ARTICLE VIII. SPECIAL REGULATIONS GOVERNING WIRING.

Sec. 13-188. Buildings of eleven hundred or more square feet.

Any building with eleven hundred or more square feet shall have not less than one hundred amperes main fused disconnect or a ninety ampere circuit breaker and the conductors shall not be less than number 2 AWG. (11-22-57, § 21.)

Sec. 13-189. Buildings with less than eleven hundred square feet.

Any building with less than eleven hundred square feet shall have not less than sixty ampere main fused disconnect or a fifty ampere circuit breaker and the conductors shall not be less than number 6 AWG. (11-22-57, § 21.)

Sec. 13-190. Authorized variations.

A thirty ampere main fused disconnect 2 or 3 number 8 AWG service will be permitted for two fifteen or twenty amperes-125 volt branch circuits on installations of a special type of construction having a limited connected load upon application and approval of the electrical inspector. (11-22-57, § 21.)

Sec. 13-191. Location of service disconnecting switches and circuit panels.

Service disconnecting switches and branch circuit panels must be located in a convenient and readily accessible place. They shall not be in a clothes closet, pantry, bathroom, bedroom or similar places. (11-22-57, § 21.)

Sec. 13-192. Marking of meters, main switches and sub-main switches.

All meters, main switches, and sub-main switches shall be plainly marked so that the division, sub-division, or separate occupancies of the buildings which they control can be quickly and positively identified. The mark of identification shall be securely affixed to the switch to prevent its loss or misplacement. (11-22-57, § 21.)

Sec. 13-193. New installations.

For all new buildings constructed or erected for any purpose and any existing building not previously wired, the wiring system shall be in rigid metal conduit, electrical metallic tubing, surface metal raceway, underfloor metal raceway, cellular metal raceway, metal wireways or metal bussways. (11-22-57, § 21.)

Sec. 13-194. Buildings altered, remodeled or extended.

Any and all buildings that are to be remodeled, altered or extended, requiring new lighting or power outlets, or extensions or alterations to the present wiring systems, shall be in rigid metal conduit or approved metal raceways in that part or section of the building that is to be remodeled, altered or extended. (11-22-57, § 21.)

Sec. 13-195. Excepted dwellings.

Notwithstanding the requirements of the two preceding sections single-family dwellings and apartments of multi-family dwelling of two stories or less and not exceeding four units to a building, with or without attached garage, will be permitted to be wired with non-metallic sheathed cable or other approved type of wiring system. (11-22-57, § 21.)

Sec. 13-196. Public buildings.

In primary areas of stores, office buildings and public buildings, the maximum number of medium base light outlets or duplex receptacles shall not exceed five per twenty-ampere circuit, and the conductors for each branch-circuit shall not be less than No. 12 AWG.

Secondary areas include: Toilets, hallways, closets, aisles, and

similar locations where electrical demand is limited. Primary areas are all areas other than secondary areas. Secondary areas should be governed by section 13-198 of this Code, with minimum No. 12 conductors. (11-22-57, § 21.)

Sec. 13-197. Mogul base sockets.

The maximum number of Mogul base light sockets shall not exceed three per twelve-ampere circuit, or four per twenty-ampere circuit. No convenience receptacle shall be permitted on a branch-circuit supplying Mogul base light sockets. The conductors for such circuits shall not be less than No. 12 AWG. (11-22-57, § 21.)

Sec. 13-198. Maximum number of outlets per circuit for lights and receptacles (Table No. 1).

The following table shows the maximum number of outlets permitted per circuit in secondary commercial areas and residences per fifteen-ampere branch circuit, except as provided by section 13-188 of this Code:

TABLE NO. 1

MAXIMUM NUMBER OUTLETS PER CIRCUIT FOR LIGHTS AND RECEPTACLES

Light outlets	10	9	8	7	6	5	4	3	2	1	0
Receptacles	0	0	1	1	2	2	3	3	4	4	5

(11-22-57, § 21.)

Sec. 13-199. Exceptions.

Engineers, architects and general contractors preparing plans and specifications for the erection, construction, alteration, remodeling or extension of any building or structure requiring a special type of wiring system such as chemical plants, breweries, acid plants, etc., shall submit a complete set of plans and specifications with a letter of explanation to the electrical inspector for his approval prior to commencing work. (11-22-57, § 21.)

TITLE 14.

FIRE PROTECTION.[6]

Chap.

14-1. In General, §§ 14-101 to 14-130.
14-2. Fire Department, §§ 14-201 to 14-209.
14-3. Fire Prevention Code, §§ 14-301 to 14-303.
14-4. Liquefied Petroleum Gas, §§ 14-401 to 14-407.

Chapter 14-1. In General.

§ 14-101. Local fire marshal—Position created.
§ 14-102. Same—Appointment.
§ 14-103. Same—Duties.
§ 14-104. Fires in public places.
§ 14-105. Sale or use of detonating or fulminating substances generally.
§ 14-106. Transportation or storage of calcium carbide.
§ 14-107. Storage of gunpowder.
§ 14-108. Delivery of inflammable liquids generally.
§ 14-109. Delivery of petroleum products.
§ 14-110. Installation and use of acetylene generating apparatus.
§ 14-111. Gasoline, etc., not to be emptied in sewers.
§ 14-112. Gas and oil traps required in certain establishments.
§ 14-113. Sale and use of fire balloons prohibited.
§ 14-114. Demolition of buildings in vicinity of fires.
§ 14-115. Fire drills in schools.
§ 14-116. Public garages not to be located in residential building.
§ 14-117. False fire alarms.
§ 14-118. Interference with signal boxes generally.
§ 14-119. Unauthorized making, use, etc., of signal box keys.
§ 14-120. Congregating near fires.
§ 14-121. Burning pitch, tar, etc., near buildings.
§ 14-122. Smoking in Municipal auditorium and other places of public assembly.
§ 14-123. Smoking in bed.

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6. For special legislative provisions requiring the city to provide adequate fire protection to all property within the corporate limits, see § 1-123. For provisions relative to the extinguishment of fires beyond the city limits, see § 1-124. For provisions requiring fire protection at the municipal airport, see § 1-1204.

For ordinance provisions as to discharge of fireworks in cemeteries, see § 10-152. As to fire regulations for the Harbor and Port of Savannah, see ch. 18-2. As to water for fire protection service, see ch. 37-3.

§ 14-124. Setting fire to bedding, furniture, etc., at hotels, tourist courts, etc.
§ 14-125. Bulletin to be posted at hotels, rooming houses, etc.
§ 14-126. Report of fires at hotels, rooming houses, etc.
§ 14-127. Shaftways in commercial buildings.
§ 14-128. Keeper of powder magazine—Appointment.
§ 14-129. Same—Attendance at magazine required.
§ 14-130. Same—Duty relative to socks for use in magazine.

Sec. 14-101. Local fire marshal[7]—Position created.

The position of local fire marshal for the city is hereby created. (8-11-50, § 1.)

Sec. 14-102. Same—Appointment.

The local fire marshal shall be appointed by the city manager. (8-11-50, §§ 1, 2.)

Sec. 14-103. Same—Duties.

The duties of the local fire marshal shall be the same as these imposed upon him under Acts of Georgia 1949[8] and such rules and regulations as may be established by the state safety fire commissioner. (8-11-50, § 3.)

Sec. 14-104. Fires in public places.[9]

It shall be unlawful for any person to make or cause any fire to be made on any street, public park or place in the city. (Code 1945, § 53-259.)

Sec. 14-105. Sale or use of detonating or fulminating substances generally.

It shall be unlawful for any person to sell or to use within the city any detonating or fulminating preparation or instrument made or composed, wholly or in part, of nitroglycerine or other detonating or fulminating substances whatsoever, or any other like detonating or fulminating preparation or instrument. Nothing in this section

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7. For special legislative provisions relative to fire marshal, see §§ 1-125 to 1-130.

8. See Ga. Code Ann., ch. 92A-7.

9. As to bonfires in cemeteries, see § 10-153.

shall be construed to prevent the sale of ammunition for legitimate purposes. (Code 1945, § 27-168.)

Sec. 14-106. Transportation or storage of calcium carbide.

All calcium carbide in transit through the city and on storage must be enclosed in hermetically sealed iron receptacles and plainly marked on the outside, "Calcium carbide — dangerous, if not kept dry". Calcium carbide, in hermetically sealed iron receptacles and in quantities exceeding one hundred pounds, must be stored in detached buildings at least twenty-five feet from adjoining property and in such locations and conditions as shall meet the approval of the chief of the fire department. Such buildings shall be well ventilated, waterproof and thoroughly drained, with the floor raised at least one foot above the grade upon which it stands. In such buildings, artificial light or heat will not be permitted.

Not more than one hundred pounds of calcium carbide, either in bulk or cartridges, shall be stored or kept in any building used for dwelling, mercantile or manufacturing purposes, and this amount shall be kept only upon a permit obtained from the chief of the fire department and the mayor and aldermen; such permit to provide that all quantities in excess of two pounds shall be in tight, metal packages and kept elevated at least six inches from the floor in a fire-proof safe or vault, located above the street grade. (Code 1945, §§ 27-171 to 27-173.)

Sec. 14-107. Storage of gunpowder.

No person shall retail, keep or have in his possession at any time, within the city, a greater quantity of gunpowder than twenty-five pounds weight.

It shall be the duty of every person keeping or having in his place of business any quantity of gunpowder to have the same kept in a metal canister near one of the doors or entrances to be designated by the chief of the fire department, and a sign placed outside of the door or entrance bearing in white letters, not less than three inches in length, upon a black ground, the word "Gunpowder." (Code 1945, §§ 29-107, 29-108.)

Sec. 14-108. Delivery of inflammable liquids generally.

Deliveries of inflammable liquids, where practical, shall be made

directly to the storage tank through the filling pipe, by means of a hose or pipe between the filling pipe and barrel, tank wagon or tank car from which such liquid is being drawn. (Code 1945, § 27-196.)

Sec. 14-109. Delivery of petroleum products.

No person shall make delivery of any petroleum product into any consumer's can or tank, without first ascertaining that the can or tank is thoroughly empty of any liquid, other than the same liquid being then put into such can or tank. (10-31-47, § 3.)

Sec. 14-110. Installation and use of acetylene generating apparatus.

No acetylene generating apparatus shall be used in the city, until the owner has been granted permission by the chief of the fire department. All acetylene generating gas-holding apparatus must be installed in a fire-proof vault or room satisfactory to the chief of the fire department and such fire-proof room or vault must be supplied with two ventilators, not less than three inches in diameter, the outer ends of which must extend clear above the roof of the main building for a distance of not less than two feet. All generating apparatus must be charged in the daylight, and no artificial light shall be permitted within the enclosure where the apparatus is installed. (Code 1945, § 27-174.)

Sec. 14-111. Gasoline, etc., not to be emptied in sewers.[1]

It shall be unlawful for any person in the city to empty gasoline, benzine or naphtha, or any mixture thereof, or liquid matter in which these substances have been mixed or used, in any catch basin or trap running into any sewer in the city or on any paved street in the city, where it is liable to find its way into any sewer of the city. (Code 1945, § 27-182.)

Sec. 14-112. Gas and oil traps required in certain establishments.

All garages and public establishments where automobiles are washed and cleaned, gasoline filling stations, dyeing and cleaning establishments and other like establishments using gasoline, oil and

1. As to sewers generally, see Tit. 37.

other inflammable material, which is carried into the public sewers of the city, shall install in their sinks, wash traps and other like receptacles, a system of gas and oil traps of a type satisfactory to the chief of the fire department. (Code 1945, § 27-183.)

Sec. 14-113. Sale and use of fire balloons prohibited.

It shall be unlawful for any person, in the city to sell illuminated toy balloons, commonly known as fire balloons, and it shall be unlawful for any person to send up, illuminate or light any such balloon in the city. (Code 1945, § 27-170.)

Sec. 14-114. Demolition of buildings in vicinity of fires.[2]

The chief of the fire department, or, in his absence, the assistant chief, is hereby authorized and empowered to order and command any person to pull down or blow up any house or other building which he may judge absolutely necessary to be pulled down or blown up in order to prevent any fire from spreading. If any person not so ordered and commanded by the chief or assistant chief shall aid or assist in any manner to pull down or blow up, or shall proceed with such purpose to injure in any manner any house during the progress of a fire, he shall be immediately arrested by any of the firemen or policemen, and shall be subject to the penalty as provided in section 2-105 of this Code. (Code 1945, § 27-115.)

Sec. 14-115. Fire drills in schools.

It shall be the duty of the superintendent, principal or other person in charge of any public or private school or educational institution within the corporate limits of the city to instruct and train the pupils by means of drills, so that they may, in a sudden emergency, be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once in each month. (Code 1945, § 27-184.)

Sec. 14-116. Public garages not to be located in residential building.

It shall be unlawful for any person to conduct or operate a public garage or repair shop, where automobiles or other vehicles propelled by gasoline are stored or repaired, under or beneath residential property, or in a building any part of which is used for residential purposes. (Code 1945, § 27-138.)

2. As to buildings generally, see Tit. 9.

Sec. 14-117. False fire alarms.

It shall be unlawful for any person to wilfully give or cause to be given any false alarm of fire, either by telephone, from street alarm boxes or otherwise; provided, however, that this section shall not prevent the chief of the fire department from sounding such test alarms from such street or other alarm boxes as he may desire at any time. (Code 1945, § 27-123.)

Sec. 14-118. Interference with signal boxes generally.

It shall be unlawful for any person to break or cause to be broken any fire signal box or any pole, post or wire connection with the fire alarm telegraph or to injure or in any manner interfere with or interrupt the same, or any part thereof, or the working of the same. (Code 1945, § 27-123.)

Sec. 14-119. Unauthorized making, use, etc., of signal box keys.

It shall be unlawful for any person to make or cause to be made any key to the fire alarm signal boxes or to alter any key so as to permit it to open any such boxes, or to buy, sell, give or otherwise dispose of or use any key belonging to or fitting the locks of such signal boxes, without written authority from the chief of the fire department. (Code 1945, § 27-122.)

Sec. 14-120. Congregating near fires.

No person shall be permitted to congregate in any street, lane, roadway or passageway in the corporate or jurisdictional limits of the city when such street, lane, roadway or passageway is in use by the fire department or when such street, lane, roadway or passageway is of necessary use to the fire department in attending any fire. (Code 1945, § 27-119.)

Sec. 14-121. Burning pitch, tar, etc., near buildings.

It shall be unlawful for any person to boil, burn or set on fire, or

cause to be boiled, burned or set on fire, any pitch, tar, turpentine, oil or other combustible matter whatsoever in any quantity exceeding four gallons, within one hundred fifty feet of any building in the city. Nothing herein contained shall be construed to extend to fires necessarily made by coopers, chairmakers, blacksmiths or other artisans in pursuit of their trades, if such persons make their fires in an enclosed building. (Code 1945, § 27-142.)

Sec. 14-122. Smoking in Municipal auditorium and other places of public assembly.

It shall be unlawful for any person to smoke any cigar, cigarette or pipe in the Municipal auditorium or in other places of public assembly where the chief of the fire department deems it dangerous for smoking to be permitted. This section shall not apply, however, to the lobby of the Municipal auditorium or to such other places as may be designated as safe from fire hazard by the chief of the fire department. (Code 1945, § 42-114.)

Sec. 14-123. Smoking in bed.

It shall be unlawful for any person to smoke or attempt to smoke, or to light or attempt to light a cigarette, cigar, pipe or tobacco of any form, or to strike a match or light a fluid lighter, while lying upon or sitting upon any bed within the corporate limits of the city. (10-2-53, § 1.)

Sec. 14-124. Setting fire to bedding, furniture, etc., at hotels, tourist courts, etc.

It shall be unlawful for any person to smoke or attempt to smoke, or to light or attempt to light a cigarette, cigar, pipe or tobacco of any form, the result of which act fire is set to any bedding, furniture, curtains, drapes or household furnishings in any hotel, rooming house, tourist court or tourist inn within the corporate limits of the city. (10-2-53, § 2.)

Sec. 14-125. Bulletin to be posted at hotels, rooming houses, etc.

It shall be the duty of all owners or managers of hotels, rooming houses or other places that have rooms to rent to the public to

post a bulletin in each room advising the guest occupant of the provisions of sections 14-123 and 14-124 of this Code. (10-2-53, § 3.)

Sec. 14-126. Report of fires at hotels, rooming houses, etc.

All owners, managers and operators of hotels, rooming houses, inns, and other places renting rooms to the public shall, within twenty-four hours after a fire of any description, make a full and complete report to the chief of the fire department as to the cause and origin of the fire, together with all facts which will enable the fire authorities to determine the cause and origin of the same. (10-2-53, § 3.)

Sec. 14-127. Shaftways in commercial buildings.

All trapdoors, except those which are automatic in their operation, in any factory building or buildings used for storage shall be closed at the completion of the business day. Every outside window in a building used for manufacturing purposes or for storage which opens directly on any hoistway or other vertical means of communication between two or more floors in such building shall be plainly marked with the word "SHAFTWAY" in red letters at least six inches high on a white background, such warning sign to be so placed as to be easily discernible from the outside of the building. Every door or window opening on such shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance, shall be similarly marked with the warning word "SHAFTWAY", so placed as to be easily visible to anyone approaching the shaftway from the interior of the building. (Code 1945, § 27-225.)

Sec. 14-128. Keeper of powder magazine—Appointment.

The keeper of the powder magazine shall be appointed by the city manager. (Code 1945, § 29-102.)

Sec. 14-129. Same—Attendance at magazine required.

It shall be the duty of the keeper of the powder magazine, to reside and remain at the magazine by day and by night, necessary official absence only excepted, for the receiving and delivery of gunpowder. (Code 1945, § 29-103.)

Sec. 14-130. Same—Duty relative to socks for use in magazine.

The keeper of the powder magazine shall cause to be prepared, at his own expense, four pairs of woolen socks to cover the feet, to be kept within the door of the magazine, and to be worn by himself and all persons while present in the powder magazine. (Code 1945, § 29-104.)

Chapter 14-2. Fire Department.[3]

§ 14-201. Chief generally—Appointment and term.
§ 14-202. Same—Powers and duties generally.
§ 14-203. Same—Duties relative to equipment and purchases.
§ 14-204. Same—Authority at fires.
§ 14-205. Same—Annual report.
§ 14-206. Same—Rules and regulations.
§ 14-207. Appointment of members.
§ 14-208. Interference with members or property—Generally.
§ 14-209. Same—By obstructing streets, lanes, etc.

Sec. 14-201. Chief generally—Appointment and term.

The chief of the fire department shall be appointed by the city manager and he shall hold such office until such time as his successor is appointed by the city manager. (Code 1945, § 27-104.)

Sec. 14-202. Same—Powers and duties generally.

The chief of the fire department shall have at all times general superintendence, control and command of all officers, men, apparatus, material and property of the fire department, subject to such regulations as shall be prescribed by this Code or other ordinances of the city. (Code 1945, § 27-109.)

Sec. 14-203. Same—Duties relative to equipment and purchases.

If any repairs shall be required at any time, it shall be the duty of the chief of the fire department to at once make a report of the same to the city manager and the chief shall pass upon the same before they are paid for. He shall approve all bills against the department before they are forwarded to the city manager. He shall make requisition on the board of purchase for all necessary supplies and implements for the department, under the direction of the city manager. (Code 1945, § 27-109.)

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3. For special legislative provisions relative to minimum wages for firemen, see § 1-208.

Sec. 14-204. Same—Authority at fires.

The chief of the fire department shall see to the proper and speedy extinguishment of fires which may endanger property in the city and, in case of such fires, he shall have supreme and absolute command of the firemen, of all persons connected with the fire department and the entire apparatus and property that may be employed for the extinguishment of fires. In the absence of the chief, the above supreme authority shall devolve according to existing arrangements for such emergency. (Code 1945, § 27-109.)

Sec. 14-205. Same—Annual report.

The chief of the fire department shall make a full and complete annual report of the condition and activities of the fire department. Such report shall be made to the city manager. (Code 1945, § 27-109.)

Sec. 14-206. Same—Rules and regulations.

The chief of the fire department shall establish such rules and regulations as he may deem necessary for the proper management of the department, subject to the approval of the city manager. (Code 1945, § 27-109.)

Sec. 14-207. Appointment of members.

The chief of the fire department, with the approval of the city manager, shall appoint all members of the department. (Code 1945, § 37-111; re-enacted 1-24-49, § 3.)

Sec. 14-208. Interference with members or property—Generally.

It shall be unlawful for any person to molest, interrupt or interfere with any officer or member of the fire department in the performance of his duties or to detain, secrete or in any way injure the implements or other property of the fire department. (Code 1945, § 27-121.)

Sec. 14-209. Same—By obstructing streets, lanes, etc.[4]

No person shall obstruct any street, lane, roadway or passageway or cause the same to be obstructed by vehicles or other personal property when the same are being used or are necessary to be used by the fire department in either preventing a fire or attending a fire, or cause any obstruction of such streets and ways, so as to prevent the fire department in any manner from performing its duties. (Code 1945, § 27-120.)

Chapter 14-3. Fire Prevention Code.

§ 14-301. Adopted.
§ 14-302. Amendments.
§ 14-303. Violations.

Sec. 14-301. Adopted.

The Fire Prevention Code, recommended by the National Board of Fire Underwriters of New York, being particularly the 1953 Edition thereof, is hereby adopted and approved as the Fire Prevention Code for the city, with the changes indicated in this title. (9-17-54, § 1.)

Sec. 14-302. Amendments.

The Fire Prevention Code adopted by the preceding section is hereby amended in the following respects:

Section 1.04. The words "except the interiors of private dwellings" are hereby deleted.

Section 10.01. The words "during hours said store is open to the public" are hereby deleted.

Section 15.202. In table 15.202, "140 gals." should be substituted for "275 gals."

Section 15.212. "60 gallons" should be deleted and "5 gallons" substituted therefor.

Section 15.213. The following is hereby added to paragraph a: "All underground tanks must be equipped with lift straps or eyes,

4. As to driving on streets during fires, see § 22-118. As to street, lane, etc., obstructions generally, see § 30-122.

one-half inch by two inch steel straps sufficient to lift tanks. These must be welded to the tank".

Paragraph b of section 15.213 is hereby deleted.

Section 15.803. In paragraph c, "5" is substituted for "60" and all of paragraph d is deleted.

Section 15.964 The words "nor shall it prevent stops for meals during the day or night, if the street is well lighted at point of parking" are hereby deleted from paragraph a.

Section 17.05. Paragraph c is hereby added as follows:
"c. No person shall reside over a garage".

Section 20.03. The following words are hereby deleted from paragraph a: "employing a container or an aggregate of interconnected containers of over two thousand gallons water capacity, and for each permanent installation, irrespective of size of containers, made at buildings in which people congregate for civic, political, educational, religious, social or recreational purposes. Such buildings shall include schools, churches, hospitals, institutions, hotels and restaurants, each having a capacity of twenty or more persons".

The following words are hereby deleted from paragraph b: "for which a permit is not required by paragraph (a) above (but not including installation of gas-burning appliances and replacing of portable cylinders)".

Section 20.06. Paragraph a is hereby amended to read as follows:
"a. No liquefied petroleum gas installations shall be installed within the following boundaries: River Street on the north side, including the north side of Harris Street on the south side, the west side of West Broad on the west side, and the east side of East Broad Street".

Section 25.04. The words "the ordinary door latch or knob or by pressure on the door or on" are hereby deleted.

Section 29.02. The following is hereby added: "One or more qualified persons (authorized by the chief of the fire department) to serve as fire watchers shall be employed by all circuses and carnivals, etc.". (9-17-54, § 1.)

Sec. 14-303. Violations.

It shall be unlawful for any person to do and perform any act in

violation of the Fire Prevention Code, and any person convicted of violating any of the provisions thereof shall be punished as provided in section 2-105 of this Code. (9-17-54, § 2.)

Chapter 14-4. Liquefied Petroleum Gas.

§ 14-401. Approval of piping, etc., by city council.
§ 14-402. Inspection of piping, etc.
§ 14-403. Piping, etc., to meet certain standards.
§ 14-404. Opening of valves, etc., on consumer's premises; repairing containers, etc.
§ 14-405. Testing and adjusting appliances.
§ 14-406. Parking and storing delivery vehicles.
§ 14-407. Carelessness in transportation.

Sec. 14-401. Approval of piping, etc., by city council.

No person shall install in the city any gas piping, gas appliance or other installation for use in conjunction with tank gas, bottled gas or any containers used in dispensing any form of liquefied petroleum gas unless, before making such installation, approval is secured from the city council. Such approval shall be sought by making application to the city council, setting forth the name of the applicant, the address at which such installation is planned, the type of installation planned and such other information as may be pertinent to such installation. Upon the application being filed with the clerk of the council, it shall be referred immediately to the chief of the fire department, who shall make a sufficient investigation and report, to the next following council meeting, his recommendation thereon. (2-20-46, § 1.)

Sec. 14-402. Inspection of piping, etc.

All installations of gas piping, gas appliances and installations for use with tank gas, bottled gas or any containers for the dispensing of any form of liquefied petroleum gas installed in the city shall be subject to inspection by the chief of the fire department. In the event such inspection shall disclose that an installation has been made without obtaining the approval of the city council or not in compliance with this chapter or other ordinance of the city; the chief of the fire department shall thereupon notify the person owning the installation, or appliance on which the installation is made,

and the person making the installation shall remove such installation forthwith, or cause the same to conform with all requirements of the city pertaining to such installation. (2-20-46, § 2.)

Sec. 14-403. Piping, etc., to meet certain standards.

All gas piping, gas appliances and installations for use with tank gas, bottled gas or any containers for the dispensing of any form of liquefied petroleum gas in the city shall comply with and shall be installed, maintained and regulated in conformity with the recommendations of the National Fire Protection Association, and supplements thereto, and in compliance with the requirements of the National Board of Fire Underwriters, as set forth in Pamphlet Number 58, issued August 4, 1940, and supplements thereto, which is on file with the chief of the fire department. (2-20-46, § 4.)

Sec. 14-404. Opening of valves, etc., on consumer's premises; repairing containers, etc.

No valve, faucet or other connection or vent in the city shall be left open when transferring any tank, bottled or other liquefied petroleum gas from one container to another on the consumer's premises in such a manner that the gas from any volatilizing liquids shall be made, either within or without a building; except, however, as provided in Pamphlet Number 58, referred to in section 14-403 of this Code. No volatilizing liquids shall be transported on the streets or highways of the city in containers, tanks or systems when the pressure in such containers, tanks or systems has been increased above that normally exerted by the volatilization of the liquid contained therein, whether such increase is created by introducing air pressure or otherwise. No containers or systems, whether for the transportation, handling, storage, distribution, use or consumption of any of the aforesaid liquids, shall be repaired on the consumer's premises, or in any public place, or on any street or alley within the city, if such repair shall necessitate or cause the wasting or escaping of any such liquids or the volatile gases emanating therefrom. (2-20-46, § 5.)

Sec. 14-405. Testing and adjusting appliances.

All appliances wheresoever located or installed in the city for use in connection with any of the liquids referred to in this chapter,

whether directly or by reference to Pamphlet Number 58, referred to in section 14-403 of this Code, whether for heating, cooking or otherwise, shall be tested and approved by the American Gas Association. These appliances and accessories, including pressure controls, shall be carefully adjusted by an expert after installation and shall not be changed by the user thereof, without first consulting the person supplying the gas. (2-20-46, § 6.)

Sec. 14-406. Parking and storing delivery vehicles.

No tank trucks or vehicles transporting bottled or liquefied petroleum gas shall be allowed to park on the streets within the corporate limits of the city, except when loading and unloading. Tank trucks and vehicles transporting bottled or liquefied petroleum gas must be stored in garages at such distance from other buildings as may be set by the chief of the fire department as being reasonable and safe. (2-20-46, § 8.)

Sec. 14-407. Carelessness in transportation.

Any carelessness or neglect on the part of any person transporting any liquids or volatilized gas in, on or about the premises of any consumer located within the city, whereby any such liquid or volatilized gas has been created and permitted to escape so as to create a fire hazard or other risk to persons or property, shall be considered a violation of this chapter. (2-20-46, § 7.)

TITLE 15.

FOOD AND FOOD ESTABLISHMENTS.[5]

Chap.

15-1. In General, §§ 15-101 to 15-108.
15-2. Food Establishments, §§ 15-201 to 15-213.
15-3. Meat Establishments Generally, §§ 15-301 to 15-328.
15-4. Peddlers of Farm and Orchard Products, §§ 15-401 to 15-409.
15-5. Wholesalers of Perishables, §§ 15-501 to 15-508.

Chapter 15-1. In General.

§ 15-101. Health officer's right to enter food establishments.
§ 15-102. Examination of food and drink samples and condemnation of unwholesome or adulterated food or drink.
§ 15-103. Transportation of meat—Refrigeration required; exception.
§ 15-104. Same—Protection from dust, flies, etc.
§ 15-105. Diseased, adulterated, etc., meat.
§ 15-106. Fish not to be sold on streets.
§ 15-107. Sales from pushcarts prohibited.
§ 15-108. Waste of food.

Sec. 15-101. Health officer's right to enter food establishments.

The health officer and his authorized agents may enter at any time, and no person shall hinder or prevent him or them from entering, any place in the city where live cattle, calves, sheep, goats or swine are held, or where animals are slaughtered, or where poultry, game, fish or oysters are dressed, scaled or prepared to be disposed of for human food; and, likewise they may enter any house, store, market, stall, railroad car, wagon or other vehicle, boat or vessel, where meat, sausage, poultry, game, fish or oysters are prepared, packed, stored, transported, held or kept for sale for human food; and, they may also enter any factory or place where dead animals are skinned or rendered, or where the offal from slaughter-

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5. For state law as to food and drugs generally, see Ga. Code Ann., Tit. 42.

For prohibition against preparing food in certain rooms in dwellings, see § 19-143. As to milk and milk products generally, see Tit. 21. As to public health and sanitation generally, see Tit. 29.

houses or meat stores, such as fat, head, feet or guts are steamed, tanked or otherwise disposed of. (Code 1945, § 31-204.)

Sec. 15-102. Examination of food and drink samples and condemnation of unwholesome or adulterated food or drink.

Samples of food, drink and other substances may be taken and examined by the health officer as often as may be necessary for the detection of unwholesomeness or adulteration. The health officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

Sec. 15-103. Transportation of meat—Refrigeration required; exception.

All meat and meat products intended for human consumption in the city must be transported under refrigeration, unless specified to the contrary by the health officer. (Code 1945, § 36-138.)

Sec. 15-104. Same—Protection from dust, flies, etc.

No meat or meat products shall be transported in any vehicle in the city, unless fully protected from moisture, soot, dust and flies by the use of covered vehicles, with the front and back closed, or by the use of clean white cloths, spread over the meat or meat products. All delivery vehicles, together with boxes, barrels and other containers used in transporting meats in the city, shall be kept perfectly clean and no dirty burlap or other dirty cloths shall be used in contact with the meat. (Code 1945, § 31-208.)

Sec. 15-105. Diseased, adulterated, etc., meat.

No person shall bring into the city, or sell or offer for sale, any meat, sausage, poultry, game, fish or oyster that is diseased, adulterated, unsound, unwholesome or that for any other reason is unfit for human food. All such articles of food shall be seized and destroyed by the health officer or his authorized agents. (Code 1945, § 31-211.)

Sec. 15-106. Fish not to be sold on streets.

It shall be unlawful for any person to expose or sell fish from

stands, boxes, pushcarts, wagons or other vehicles in the streets of the city. (Code 1945, § 58-104.)

Sec. 15-107. Sales from pushcarts prohibited.

It shall be unlawful for any person to sell from a pushcart any meat, fish, coffee, tea, sandwiches or other foods and beverages within the city.

Sec. 15-108. Waste of food.

No person shall, within the limits of the city, wilfully destroy or cause, suffer or allow, by any servant, agent or employee of him, to be wilfully wasted or destroyed any wholesome food fit for human consumption. (Code 1945, § 42-110.)

Chapter 15-2. Food Establishments.

§ 15-201. Definition.
§ 15-202. Permit—Required.
§ 15-203. Same—Application.
§ 15-204. Same—Inspection of premises and issuance.
§ 15-205. Same—Term.
§ 15-206. Same—Does not authorize business at other than designated place.
§ 15-207. Same—Transfer; change of location.
§ 15-208. Same—Persons entitled to permits.
§ 15-209. Same—Revocation; issuance of temporary permit.
§ 15-210. Entry and inspection.
§ 15-211. Rules and regulations constituting sanitation requirements.
§ 15-212. Bakery delivery vehicles.
§ 15-213. Revocation of soda fountain permits in case of epidemic and use of paper cups may be required.

Sec. 15-201. Definition.

As used in this chapter the term "food establishment" shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, dairy bar, bakery, grocery, etc., and any place where food or beverage intended for human consumption is kept, stored, manufactured, prepared, dressed, slaughtered, handled, sold or offered for sale, either at wholesale or retail.

Sec. 15-202. Permit—Required.

No building or part of any building nor any place in the city shall be used as a food establishment, unless the proprietor of such place has obtained a permit therefor. A person conducting an itinerant restaurant shall also be required to secure a permit. (Code 1945, § 31-322; 12-20-57.)

Sec. 15-203. Same—Application.

Any person desiring a permit to conduct or operate a food establishment, shall make application to the health officer for a permit to do so. Such application shall be made on a printed form to be furnished by the health officer, upon demand, and the applicant, if an individual, shall state therein his full name and residence and, if a corporation, shall state therein the full name and residence of each of its officers. Such application shall also state the location of the building or place intended to be used as a food establishment. (Code 1945, § 31-323.)

Sec. 15-204. Same—Inspection of premises and issuance.

Upon the filing of an application for a permit under this chapter, the premises and places therein described shall be inspected by the health officer or his authorized agents, who shall keep a permanent record of such inspection. If such premises and places are found, upon such inspection, to be in a sanitary condition and fit for the uses and purposes for which they are intended to be used, the health officer shall forthwith register the applicant in a proper record to be kept for the purpose and issue a permit authorizing him to conduct or operate a food establishment at the place designated in the application. (Code 1945, § 31-323.)

Sec. 15-205. Same—Term.

All permits issued under this chapter shall remain in force, until revoked for proper cause.

Sec. 15-206. Same—Does not authorize business at other than designated place.

No permit issued under this chapter shall entitle or authorize the holder thereof to carry on, engage in or conduct the business men-

tioned in such permit in any place other than that designated and set out in the permit. (Code 1945, § 31-323.)

Sec. 15-207. Same—Transfer; change of location.

No permit issued under the provisions of this chapter shall be transferable. If any person having a permit to operate a food establishment desires to change the location of his place of business, notice of such proposed change shall be given to the health officer and his consent in writing received to conduct such business at such new location, and no business shall be conducted or carried on at such new location, until such consent has been received. (Code 1945, § 31-323.)

Sec. 15-208. Same—Persons entitled to permits.

Only persons who comply with the requirements of these regulations shall be entitled to receive and retain the permit required by section 15-202. (12-20-57.)

Sec. 15-209. Same—Revocation; issuance of temporary permit.

Such a permit may be temporarily suspended by the health officer upon the violation by the holder of any of the terms of these regulations, or revoked after an opportunity for a hearing by the health officer upon serious or repeated violations. A temporary permit may be issued when deemed necessary by the health officer to permit the operator of an establishment to complete corrections of the violations of these regulations; provided the violations, in the opinion of the health officer, are not sufficiently hazardous to the health and well being of the public over a short period of time. A temporary permit shall be valid for a maximum of thirty days.

Sec. 15-210. Entry and inspection.

The health officer and his authorized agents shall at all times have the right to enter into and upon and inspect any and all food establishments whenever the health officer shall deem the same necessary for the preservation of health and the prevention and suppression of disease in the city. (Code 1945, § 31-324.)

Sec. 15-211. Rules and regulations constituting sanitation requirements.

The rules and regulations adopted by the Chatham County board of health and adopted by ordinance of the mayor and aldermen of the City of Savannah shall constitute the sanitation requirements for the operation of food establishments. (Code 1945, § 31-325.)

Sec. 15-212. Bakery delivery vehicles.

All vehicles used for delivery or transporting food products from a bakery to a purchaser or consumer shall be covered and equipped with lidded compartments for the protection of the food products. Such compartments shall be closed at all times except when the products are being removed therefrom. (Code 1945, § 31-231.)

Sec. 15-213. Revocation of soda fountain permits in case of epidemic and use of paper cups may be required.

The health officer shall have the power to revoke all permits issued for soda fountains and to require the use of sanitary paper cups exclusively in the event of an epidemic of disease or other health emergency. (Code 1945, § 31-244.)

Chapter 15-3. Meat Establishments Generally.[6]

§ 15.301. Definition.
§ 15-302. Lighting, ventilation and general maintenance.
§ 15-303. Work to be performed in clean and sanitary manner.
§ 15-304. Construction of floors.
§ 15-305. Replacement of floors and equipment.
§ 15-306. Maintenance of ceilings, walls, etc.
§ 15-307. Cleaning of equipment.
§ 15-308. Cleanliness of employees' clothing and hands.
§ 15-309. Toilet and dressing rooms.
§ 15-310. Curing, packing, etc., rooms.
§ 15-311. Diseased employees.
§ 15-312. Unsanitary use and maintenance of slaughterhouse.
§ 15-313. Handling of diseased carcasses.
§ 15-314. Meat not to fall on floor.
§ 15-315. Skewers not to be held in mouth.
§ 15-316. Refrigeration required.
§ 15-317. Inspection of animals at stockyard.
§ 15-318. Carcasses not to be removed until marked.
§ 15-319. Use of injurious preservatives or chemicals prohibited.
§ 15-320. Pets prohibited.
§ 15-321. General authority of health officer relative to slaughterhouses.
§ 15-322. Unloading, etc., of animals at slaughterhouses.
§ 15-323. Inspections generally.
§ 15-324. Meat to conform to certain requirements.
§ 15-325. Possession, sale, etc., of animals unfit for human consumption.
§ 15-326. Disposition of unfit carcasses.
§ 15-327. Wrapping of meat.
§ 15-328. Live poultry to be kept separate.

Sec. 15-301. Definition.

As used in this chapter, the term "meat establishment" shall mean any building or place wherein animals are slaughtered, and any place wherein meats are prepared, cured, processed, packed, stored, handled, sold or offered for sale, either at wholesale or retail.

Sec. 15-302. Lighting, ventilation and general maintenance.

All meat establishments shall be suitably lighted and ventilated and maintained in a sanitary condition. (Code 1945, § 31-212.)

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6. For authority of city to provide for the inspection of meat establishments, see Ga. Code Ann., § 42-406.

Sec. 15-303. Work to be performed in clean and sanitary manner.

All work in meat establishments shall be performed in a clean and sanitary manner. (Code 1945, § 31-212.)

Sec. 15-304. Construction of floors.

All floors at meat establishments, upon which meats are piled during the process of curing, shall be so constructed that they can be kept in a clean, sanitary condition. (Code 1945, § 31-212.)

Sec. 15-305. Replacement of floors and equipment.

Where floors or other parts of the building or tables or other parts of the equipment at a meat establishment are so old or in such condition that they cannot be readily made sanitary, they shall be removed and replaced by suitable materials, or otherwise put in a condition acceptable to the health officer. (Code 1945, § 31-212.)

Sec. 15-306. Maintenance of ceilings, walls, etc.

Ceilings, side walls, pillars, partitions, and the like of meat establishments shall be frequently painted, and they shall, when necessary, be washed, scraped or otherwise rendered sanitary. (Code 1945, § 31-212.)

Sec. 15-307. Cleaning of equipment.

All tracks, trays and other receptacles, all chutes, platforms, racks, tables, knives, saws, cleavers and other tools and all utensils and machinery used in moving, handling, cutting, chopping, mixing, canning or any other process at a meat establishment shall be thoroughly cleansed daily, if used, and effectively subjected to an approved bactericidal process. (Code 1945, § 31-212.)

Sec. 15-308. Cleanliness of employees' clothing and hands.

The aprons, smocks or other outer clothing of meat establishment employees, who handle meat in contact with such clothing, shall be of a material that is readily cleansed and made sanitary, and shall be cleansed daily, if used. Employees who handle meat, or meat food products shall be required to keep their hands clean. (Code 1945, § 31-212.)

Sec. 15-309. Toilet and dressing rooms.

All toilet rooms, urinals and dressing rooms at meat establishments shall be entirely separated from compartments in which carcasses are dressed or meat food products are cured, stored, packed, handled, prepared or sold. They shall be sufficient in number, ample in size and fitted with modern lavatory accommodations, including toilet paper, soap, running water, towels, and the like. They shall be properly lighted, suitably ventilated and kept in a sanitary condition. (Code 1945, § 31-212.)

Sec. 15-310. Curing, packing, etc., rooms.

The rooms or compartments at meat establishments in which meats or meat products are prepared, cured, stored, packed or otherwise handled shall be properly lighted and ventilated and shall be so located that odors from toilet rooms, catch basins, casing departments, tank rooms, hide cellars, and the like, do not permeate them. (Code 1945, § 31-212.)

Sec. 15-311. Diseased employees.

Persons afflicted with tuberculosis, syphilis or any other communicable disease shall not be employed in any department of a meat establishment where carcasses are dressed, meats handled or meat food products prepared, and any employee suspected of being so afflicted shall be reported to the health officer. (Code 1945, § 31-212.)

Sec. 15-312. Unsanitary use and maintenance of slaughterhouse.

No use incompatible with proper sanitation shall be made of any part of the premises on which a slaughterhouse is located. All yards, fences, pens, chutes, alleys, and the like, belonging to the premises of such establishments shall, whether they are used or not, be maintained in a sanitary condition. (Code 1945, § 31-212.)

Sec. 15-313. Handling of diseased carcasses.

Butchers at meat establishments who dress diseased carcasses shall cleanse their hands of all grease and then immerse them in a prescribed disinfectant and rinse them in clear water before engag-

ing again in dressing or handling healthy carcasses. All butchers' implements used in dressing diseased carcasses shall be cleansed of all greases and then sterilized, either in boiling water or by immersion in a prescribed disinfectant, and rinsed in clear water, before being used again in dressing healthy carcasses. Facilities for such cleansing and disinfection, approved by the health officer, shall be provided by the establishment. Separate tracks and the like shall be furnished for handling diseased carcasses and parts. Following the slaughtering of an animal affected with an infectious disease, a stop shall be made until the implements have been cleansed and disinfected, unless duplicate implements are provided. (Code 1945, § 31-212.)

Sec. 15-314. Meat not to fall on floor.

Meat and meat food products intended for rendering edible products at a meat establishment must be prevented from falling on the floor, while being emptied into the tanks, by the use of some device, such as a funnel. (Code 1945, § 31-212.)

Sec. 15-315. Skewers not to be held in mouth.

Butchers who dress carcasses at meat establishments are prohibited from holding in their mouth skewers to be used in such dressing. (Code 1945, § 31-212.)

Sec. 15-316. Refrigeration required.

All persons engaged in the business of selling meat or meat products or exposing meat or meat products for the purpose of sale shall, at all times, keep such meat or meat products under covered refrigeration, except when removed for the purpose of sale; provided, however, that after the consummation of any sale, such meat or meat products shall be immediately replaced under covered refrigeration. (Code 1945, § 31-216.)

Sec. 15-317. Inspection of animals at stockyard.

When the purchaser of any animal, intended for slaughter under the post-mortem inspection of the health officer, so requests, the health officer shall carefully inspect such animal at a public stockyard. (Code 1945, § 31-209.)

Sec. 15-318. Carcasses not to be removed until marked.

No dressed carcass, or any part thereof, of any slaughtered cattle, sheep, goat or swine to be used for human food shall be removed from any slaughterhouse or slaughtering place within the city limits, before it has been branded or otherwise marked for identification by the health officer or his assistants, by the inspector of the state department of agriculture or by the inspector of the United States bureau of animal industry. (Code 1945, § 31-205.)

Sec. 15-319. Use of injurious preservatives or chemicals prohibited.

No person engaged in the business of selling meat or meat products, or exposing for sale meat or meat products within the jurisdictional limits of the city, shall use any injurious preservatives or chemicals in the preservation of meat or meat products, which are prohibited by either state or federal law. (Code 1945, § 31-215.)

Sec. 15-320. Pets prohibited.[1]

No dog or other pet shall be permitted in any meat establishment. (Code 1945, § 31-212.)

Sec. 15-321. General authority of health officer relative to slaughterhouses.

The health officer or his authorized agents shall have general supervision of animals coming into a slaughterhouse, the sanitary conditions in and about the same and the inspection of the animals. The health officer shall see that each slaughterhouse and its surroundings are in good, sanitary condition and shall have the authority to stop killing at the slaughterhouse, in his discretion, until the necessary cleaning has been done.

The health officer is hereby authorized and directed to determine the order of killing animals at slaughterhouses, in order to prevent any discrimination in the case of two or more parties having animals to be killed, and he shall also regulate the hours of killing, so as to keep the slaughterhouse running smoothly and shall stop work in sufficient time to get the slaughterhouse thoroughly cleaned after each day's work. Persons desiring to have their animals killed on

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1. As to animals and fowl generally, see Tit. 6.

any certain day are required to give the health officer at least twenty-four hours' notice of their intention to do so, stating the number to be killed and so forth. (Code 1945, § 36-133.)

Sec. 15-322. Unloading, etc., of animals at slaughterhouses.

Hogs, sheep and goats shall be unloaded from cars, trucks or wagons directly into the free pens at slaughterhouses and may be slaughtered as soon as they are sufficiently cooled. (Code 1945, § 36-133.)

Sec. 15-323. Inspections generally.

All meat and meat products for human consumption, as food, brought into the city for sale shall be inspected and stamped or otherwise marked for identification as fit for human consumption, as food, by the health officer or his authorized agents at an authorized abattoir, unless the meat has been inspected and stamped as fit for human consumption, as food, by the Bureau of Animal Industry, United States Department of Agriculture or some other person or agency approved by the health officer, in which case, the meat shall be submitted to such inspections as are required by the health officer.

It shall be unlawful for any person to bring into or have in his possession in the city for sale any meat products or slaughtered meats for human consumption, as food, unless such meat or meat products are approved by the health officer as in this section provided.

The health officer shall carefully examine each animal before and after slaughter, to determine the presence of disease or injury or anything which would render the animal unfit for food, during which inspection the meat inspection regulations of the Bureau of Animal Industry, United States Department of Agriculture, shall be followed as far as is practicable.

The following inspection charges are hereby assessed as standard fees and are collectible at the time of the slaughtering of animals:

Cattle, per head	10¢
Large calves with hides left on, per head	7½¢
Sheep and goats, per head	7½¢
Veal calves, per head	7½¢
Hogs, per head	7½¢

(Code 1945, §§ 36-133 to 36-135, 36-137.)

Sec. 15-324. Meat to conform to certain requirements.

All meat and meat products for human consumption, as food, brought into the city for sale or manufactured or prepared for sale in the city shall conform to the requirements of the Bureau of Animal Industry, United States Department of Agriculture and the pure food ordinances and regulations of the board of health of Chatham County. (Code 1945, § 36-136.)

Sec. 15-325. Possession, sale, etc., of animals unfit for human consumption.

No person shall bring into the city or sell or offer for sale, or give to the proprietor or agent of any packing house or slaughterhouse, or to any butcher in the city, any cattle, hog, sheep or lamb that is diseased, injured, crippled, immature, underweight, badly emaciated or that, for any other obvious reason, might be unfit for human food, without first delivering such cattle, hog, sheep or lamb at one of the public stockyards of the city and reporting all the known facts relating to such animal, to the health officer and receiving written permission from the health officer.

No butcher or proprietor or agent of any packing house or slaughterhouse in the city shall bring into the city, or buy or offer to buy, or accept any cattle, calf, hog, sheep or lamb that is diseased, injured, crippled, immature, underweight, badly emaciated or that, for any other obvious reason, might be unfit for human food, without first reporting all the facts known to him relating to such animal to the health officer and receiving written permission so to do from the health officer.

No person shall sell any animal judged by the health officer to be diseased or otherwise unfit for human food to any butcher or any person slaughtering livestock under the post-mortem inspection of the health officer; provided, that such an animal may be sold subject to a post-mortem inspection and may be removed to a slaughterhouse where post-mortem inspections are conducted, when properly tagged for identification. (Code 1945, §§ 31-209, 31-210.)

Sec. 15-326. Disposition of unfit carcasses.

Any carcass, or any part thereof, of any slaughtered cattle, calf, sheep, goat or swine in the city which, because of disease, injury or any other condition is unfit for human food, shall be disposed of as

required by the health officer or his assistants, and shall not be sold or otherwise disposed of for human food. (Code 1945, § 31-207.)

Sec. 15-327. Wrapping of meat.

Every piece of meat sold shall be wrapped in fresh clean wrapping paper that has not been used for any other purpose. (Code 1945, § 31-213.)

Sec. 15-328. Live poultry to be kept separate.

Live poultry shall not be kept in the same room or compartment of a meat shop in which meats are prepared, stored or exposed for sale, nor shall live poultry be kept in any room adjoining such room, if the conditions are such that the room used for the storage of live poultry ventilates into the next room so that the odors from the fowl and their cages may contaminate the meats. (Code 1945, § 31-213.)

Chapter 15-4. Peddlers of Farm and Orchard Products.

§ 15-401. Definition.
§ 15-402. Registration required.
§ 15-403. Registration card—Issuance.
§ 15-404. Same—Transfer and term.
§ 15-405. Same—Inspection.
§ 15-406. Same—Must be carried at all times.
§ 15-407. Same—Revocation.
§ 15-408. Sunday sales prohibited.
§ 15-409. Hours of sale.

Sec. 15-401. Definition.

For the purposes of this chapter, the term "vendor or peddler of the products of the farm, grove or orchard" shall include any person selling or offering for sale on the streets, lanes and alleys of the city from any automobile, automobile truck, wagon, cart or other horse-drawn or motor-propelled vehicle, any products of the farm, grove or orchard to any other person, either at wholesale or retail. Such term shall not apply to vendors or peddlers, who transport their products by hand or pushcarts or other means of personal muscular power. (Code 1945, § 58-191.)

Sec. 15-402. Registration required.

It shall be unlawful for any person to engage in the business of a vendor or peddler of the products of the farm, grove or orchard in the corporate limits of the city, without first registering with the city marshal, giving the following information as to identification, and such other information as may be required by the marshal:

(a) The name of the person registering and his address.

(b) The nature of the business, whether selling fruits, vegetables or other products of the farm, orchard or grove.

(c) The method of distribution used, whether selling to wholesale merchants, retail merchants or from door to door to consumers.

(d) The vehicle from which sales are made. If such sales are made from an automobile or automobile truck, the state license number and motor number of the vehicle shall be given.

(Code 1945, § 58-192.)

Sec. 15-403. Registration card—Issuance.

Upon registration with the city marshal as provided in the preceding section, the registrant shall be given a registration card identifying him as a registered vendor or peddler of products of the farm, grove or orchard. (Code 1945, § 58-192.)

Sec. 15-404. Same—Transfer and term.

A registration card issued under the preceding section shall be nontransferable and shall be good for the calendar year during which it was issued. (Code 1945, § 58-192.)

Sec. 15-405. Same—Inspection.

A registration card issued under this chapter shall be subject to inspection by any police officer of the city or county and any city inspector, upon demand. (Code 1945, § 58-192.)

Sec. 15-406. Same—Must be carried at all times.

A registration card issued under this chapter must at all times be in the possession of the vendor or peddler named on the card when engaged in vending or peddling products of the farm, grove or orchard. (Code 1945, § 58-192.)

Sec. 15-407. Same—Revocation.

Should the holder of a registration card issued under this chapter be convicted of any violation of this chapter, the registration card may be revoked by the recorder or city marshal. (Code 1945, § 58-192.)

Sec. 15-408. Sunday sales prohibited.

It shall be unlawful for any vendor or peddler of the products of the farm, grove or orchard to sell or offer for sale any of his products on Sunday. (Code 1945, § 58-194.)

Sec. 15-409. Hours of sale.

It shall be unlawful for vendors or peddlers of the products of the farm, grove or orchard to vend, peddle, sell or offer for sale their products on any of the streets, lanes or alleys of the city at any time before 10:00 A. M. or after 3:00 P. M. of any day. (Code 1945, § 58-194.)

Chapter 15-5. Wholesalers of Perishables.

§ 15-501. Definitions.
§ 15-502. License—Required.
§ 15-503. Same—Application.
§ 15-504. Same—Fee; issuance; contents.
§ 15-505. Same—Term.
§ 15-506. Same—Display.
§ 15-507. Same—Revocation.
§ 15-508. Examination and condemnation of unwholesome or adulterated food or drink.

Sec. 15-501. Definitions.

When used in this chapter, the term "wholesaler" shall include any person engaged in the business of offering fruits, vegetables, fish, oysters or other provisions of a perishable nature to any other person for the purpose of resale. The word "establishment" shall mean any person engaged in buying and selling or distributing at wholesale fruits, vegetables, fish, oysters or other provisions of a perishable nature, and shall mean and shall include any building, storeroom, freight car, wagon, truck or other vehicle or any vacant

lot or stand where such provisions are either kept, stored, packed or offered for sale at wholesale. (Code 1945, § 58-183.)

Sec. 15-502. License—Required.

It shall be unlawful for any person to maintain and operate an establishment for sale or distribution at wholesale of fruits, vegetables, fish, oysters or other provisions of a perishable nature within the city, without first obtaining a license therefor. No license issued by the city for peddling or for hucksters shall be deemed in any way to exempt any person from taking out a license required by this section. (Code 1945, §§ 58-184, 58-189.)

Sec. 15-503. Same—Application.

Every person desiring a license required by the preceding section shall make an application therefor, for each establishment maintained and operated by him, upon a blank to be furnished by the marshal. Such application shall give the following information:

(a) The name of the applicant.

(b) The nature of the business desired to be conducted.

(c) The method of distribution used, whether it is selling direct from a storeroom, railroad car, wagon, truck or other vehicle, or from a vacant lot, stand or otherwise.

(d) If distribution is to be from a lot, stand or store, the applicant shall give the location of the establishment.

(e) If distribution is to be by selling from a wagon or truck or other vehicle, other than a railroad car, the applicant must give a description of the vehicle, including, in the case of a motor vehicle, both the motor number and the motor license number. (Code 1945, § 58-185.)

Sec. 15-504. Same—Fee; issuance; contents.

Upon the filing of the application for a license under this chapter and payment of the fee required by the annual revenue ordinance,[3] the city marshal shall issue a license to the applicant to operate the establishment for and during the period and year for which the fee has been paid.

If the business is conducted from a truck or vehicle, the license

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3. The annual revenue ordinance is not printed in this Code, but is on file in the office of the Clerk of the Council.

issued shall be a tag of metal not less than eight inches in length and three inches in width, upon which metal license tag shall be inscribed the words "licensed wholesaler of perishable produce," and the period or year for which the license fee is paid.

The fee required above shall not apply to the actual producer or grower of farm products insofar as the sale of such products is concerned, if, upon request of the enforcement officers of the city, such producer or grower furnishes a certificate from the ordinary of the county in which the products were grown certifying that the products were grown therein and that the person offering the same for sale or distributing the same is the actual producer or grower, or duly authorized agent of the producer or grower. Such person, upon request of the enforcement officers of the city shall, in addition to the foregoing, furnish satisfactory proof identifying himself as the person named in the certificate issued by the ordinary as the producer or grower of the products. (Code 1945, §§ 58-183, 58-186.)

Sec. 15-505. Same—Term.

No license shall be issued under the provisions of this chapter for more than one year. (Code 1945, § 58-186.)

Sec. 15-506. Same—Display.

Every person obtaining a license under the provisions of this chapter shall keep the license displayed and in open view in his place of business at all times or attached to the vehicle owned and operated by him. (Code 1945, § 58-190.)

Sec. 15-507. Same—Revocation.

Upon the recommendation of the health officer, the mayor and aldermen may, after notice to the holder of a hearing thereon, revoke any license issued under this chapter, when the holder thereof has intentionally misrepresented the quality or grade of any perishable product offered for sale. (Code 1945, § 58-188.)

Sec. 15-508. Examination and condemnation of unwholesome or adulterated food or drink.

Samples of food, drink and other substances may be taken from persons and establishments governed by this chapter and examined

by the health officer as often as may be necessary for the detection of unwholesomeness or adulteration. The health officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

TITLE 16.

FOSTER HOMES.[4]

§ 16-101. Definition.
§ 16-102. Permit—Required.
§ 16-103. Same—Application—Generally.
§ 16-104. Same—Same—Reference to and report thereon by county welfare department.
§ 16-105. Same—Same—Filing constitutes inspection agreement.
§ 16-106. Same—Issuance.
§ 16-107. Same—Renewal.
§ 16-108. Same—Revocation.
§ 16-109. Registration of children with county welfare department.
§ 16-110. Maximum number of children.
§ 16-111. Notice when child is released or dismissed.

Sec. 16-101. Definition.

For the purposes of this title, the term "foster home" shall mean any house or home in the city wherein children, who are not within the third degree of kinship to the owner of such house or home are boarded or lodged for compensation or otherwise.

Sec. 16-102. Permit—Required.

It shall be unlawful for any person to establish, maintain or operate a foster home, without first obtaining a permit so to do.

Sec. 16-103. Same—Application—Generally.

Before any person shall begin the operation of a foster home, he shall make application, in writing, to the city council, through the clerk of the council, for a permit to operate such foster home. The application shall set forth the following information in detail:

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4. For state law as to placement of children, see Ga. Code Ann., ch. 99-3.

As to day nurseries and kindergartens, see Tit. 12.

1. The name of the person who is to be in charge of the home and who is to be responsible for the compliance therein of the terms of this title.

2. The address and location of the home.

3. A description of the home, as to type of building, whether it is frame, brick or otherwise, the number of rooms therein, the extent and type of sanitary and toilet facilities available, and such other information as may be necesssary for proper determination as to the fire, safety and sanitary conditions thereof.

4. The number of children that the operator intends to accommodate in the foster home.

(12-23-55, § 2.)

Sec. 16-104. Same — Same — Reference to and report thereon by county welfare department.

The clerk of the council shall, upon receiving a permit application under this title, transmit it to the county department of public welfare, which shall promptly make an inspection of the proposed foster home and thereafter make a report of either "favorable" or "unfavorable" thereon to the clerk of the council.

If the report is "unfavorable", it shall state in what respects the proposed foster home is unsuitable for such purpose. If the applicant meets the objections stated in the report within a reasonable time from the date of notification, not exceeding two weeks, and notifies the county department of public welfare, in writing, of the correction of such defects, the report may be amended from "unfavorable" to "favorable". If, however, the applicant desires a hearing on the application after an unfavorable report, he shall request it in writing and such hearing shall be held by the council at its earliest practicable regular meeting thereafter, with reasonable notice being given to the applicant and to the county department of public welfare of the date of such hearing. All parties shall have the right to present evidence and to be represented by counsel at such hearing, which shall be open to the public. The decision rendered at such regular meeting of the council upon the application shall be final and binding.

If the report upon the application is "favorable", it shall state the maximum number of children that may be accommodated in the foster home. (12-23-55, §§ 3, 4.)

Sec. 16-105. Same—Same—Filing constitutes inspection agreement.

In filing an application for a permit to operate a foster home, the applicant thereby agrees that such foster home may be inspected during reasonable hours from time to time, with or without notice, as to its continued suitability as a foster home, by any representative of the county department of public welfare or of the city health department or fire department. (12-23-55, § 7.)

Sec. 16-106. Same—Issuance.

When the report of the county department of public welfare upon an application for a permit to operate a foster home is favorable, such permit shall be issued by the clerk of the city council. (12-23-55, § 4.)

Sec. 16-107. Same—Renewal.

Each foster home permit shall be renewed annually on or before January first of each year. Renewal shall be by the applicant completing, in November of each year, the same application forms used in securing the original permit. Upon failure to so apply for a renewal, the permit theretofore granted shall automatically expire. (12-23-55, § 9.)

Sec. 16-108. Same—Revocation.

All permits for foster homes are revocable for cause. Whenever it shall appear to the county department of public welfare that any foster home is not being conducted in the best interests of the children therein, the operator shall be given notice, in writing, as to the conditions complained of and that the permit will be subject to revocation, unless good cause is shown at the next regular meeting of the city council, at which time the operator of the foster home involved may appear and present evidence and be represented by counsel. The decision thereon rendered at such regular meeting of the city council shall be final and binding. (12-23-55, § 8.)

Sec. 16-109. Registration of children with county welfare department.

The operator of every foster home shall register with the county department of public welfare the name and age of each child ac-

cepted by such operator, which registration shall also state the name and address of the parent, guardian or next of kin responsible for such child. Such registration may be made orally in person, by telephone or in writing and foster homes which are supervised by licensed child-placement agencies are relieved from such registration. (12-23-55, § 5.)

Sec. 16-110. Maximum number of children.

It shall be unlawful for the operator of any foster home to maintain therein more children than the maximum number stated in the report of the county department of public welfare, as provided in section 16-104 of this Code. (12-23-55, § 4.)

Sec. 16-111. Notice when child is released or dismissed.

Whenever a registered child is released, dismissed or discharged from a foster home, the operator of such home shall promptly, in writing, notify the county department of public welfare as to the date of such release, dismissal or discharge, stating the name and address of the person to whom the child was delivered and the name and address of the person assuming responsibility for the child. (12-23-55, § 6.)

TITLE 17.

GARBAGE AND TRASH.[5]

§ 17-101. Collection by city.
§ 17-102. Deposit in streets prohibited.
§ 17-103. Deposit on private property and vacant lots.
§ 71-104. Garbage receptacles generally—Required.
§ 17-105. Same—Handles and cover.
§ 17-106. Same—Size.
§ 17-107. Trash receptacles generally—Required.
§ 17-108. Same—Handles and cover.
§ 17-109. Same—Size.
§ 17-110. Same—Marking.
§ 17-111. Use of dumpster hoist-type units for storage.
§ 17-112. Unauthorized interference with receptacles.
§ 17-113. Disposition of boxes.

Sec. 17-101. Collection by city.[6]

It shall be the duty of the director of public improvements to have collected in a proper and sanitary manner from all parts of the city refuse consisting of household, hotel and restaurant garbage; all rubbish, excluding building material debris, from markets, households, hotels, restaurants and stores; and, ashes and cinders, except from manufacturing plants; and to carry and deposit the same at such place as meets with the approval of the health department or city manager. (Code 1945, § 22-103.)

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5. For special legislative provisions requiring the city to provide garbage collection service, see § 1-132.

For ordinance provisions as to removal of stable litter, etc., see § 6-107. As to report and removal of dead animals, see §§ 6-110, 6-111. As to removal of debris after building or demolition, operations, see § 6-107. As to removal of refuse from cemetery lots, see § 10-155. As to depositing refuse matter in the Harbor of Savannah, see § 18-113. As to duties of occupants of dwellings relative to rubbish and garbage disposal, see § 19-150. As to disposition of garbage and rubbish at trailer lots, camps and parks, see § 35-113. For prohibition against emptying waste into privy vaults, see § 37-105.

6. For special legislative provisions relative to garbage collection charges, see ch. 1-10.

Sec. 17-102. Deposit in streets prohibited.[7]

It shall be unlawful for any person to sweep into or deposit in any street or lane in the city any paper, trash, grass cuttings, rubbish or garbage of any description. (Code 1945, § 42-115; 8-17-56, § 3.)

Sec. 17-103. Deposit on private property and vacant lots.[8]

It shall be unlawful for any person to throw, cast or place any paper, wastepaper, rubbish, trash or garbage upon any property belonging to another or upon any vacant lot within the limits of the city. (Code 1945, § 35-109.)

Sec. 17-104. Garbage receptacles generally[9]**—Required.**

All persons responsible for the production or handling of garbage or other waste material, subject to decay or fermentation, shall keep a metal receptacle in good condition in which shall be deposited and kept covered all such material. In the event one receptacle is not adequate to contain such material, additional receptacles shall be provided and maintained in a number sufficient to contain all such material. (8-17-56, § 3.)

Sec. 17-105. Same—Handles and cover.

The metal receptacle required by the preceding section shall be equipped with suitable handles and with a close-fitting top or cover also equipped with a handle. (8-17-56, § 3.)

Sec. 17-106. Same—Size.

The receptacle required by section 17-104 of this Code shall not be larger than thirty gallons capacity and shall not weigh, including contents, more than two hundred pounds. (8-17-56, § 3.)

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7. For state law as to dumping garbage and trash on state highways, see Ga. Code Ann., § 26-8119.

As to depositing waste generally in streets, lanes, etc., see § 30-116.

8. For state law as to dumping garbage and trash on lands of another, see Ga. Code Ann., § 26-8119.

9. As to requirements of Minimum Standards Housing Ordinance relative to garbage containers, see § 19-139.

Sec. 17-107. Trash receptacles generally[1]**—Required.**

All paper, trash and other waste materials, except cardboard and wooden boxes, from all shops, groceries, restaurants, hospitals, trade stores and other commercial establishments shall be deposited by the person responsible for the production thereof in a metal receptacle in good condition and covered at all times. In the event one receptacle is not adequate to contain the waste materials described above, additional receptacles shall be provided and maintained in a number sufficient to contain all such waste materials. (8-17-56, § 3.)

Sec. 17-108. Same—Handles and cover.

The receptacle required by the preceding section shall be equipped with suitable handles and a close-fitting cover. (8-17-56, § 3.)

Sec. 17-109. Same—Size.

The receptacle required by section 17-107 of this Code shall not be larger than thirty gallons capacity and shall not weigh, including contents, more than two hundred pounds. Metal receptacles with more than thirty gallons capacity may be used for trash and cardboard and wooden boxes at such time as each such receptacle is approved by the department of public improvements. (8-17-56, § 3.)

Sec. 17-110. Same—Marking.

All receptacles required by section 17-107 of this Code shall be plainly marked with the name or address of the owner thereof, with lettering not less than two inches in height. (8-17-56, § 3.)

Sec. 17-111. Use of dumpster hoist-type units for storage.

Dumpster hoist-type units in capacities in excess of thirty gallons may be used for the storage of garbage, trash and other waste material in the city, when approved by the department of public improvements. (8-17-56, § 3.)

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1. As to requirements of Minimum Standards Housing Ordinance relative to rubbish containers, see § 19-139.

Sec. 17-112. Unauthorized interference with receptacles.

It shall be unlawful for any person to take away, remove or interfere with any of the receptacles provided for in this title or any other receptacle where trash or garbage is kept, or to remove the cover or contents therefrom, unless such person is authorized so to do by the department of public improvements or the scavenger department. (Code 1945, § 35-113; 8-17-56, § 3.)

Sec. 17-113. Disposition of boxes.

All cardboard boxes shall be broken or cut down and stacked flat in piles by commercial establishments desiring the city to collect them. Unless a metal receptacle with a capacity in excess of thirty gallons is provided, in accord with section 17-109 of this Code, all cardboard and wooden boxes shall be kept inside the establishment, and then placed out for collection by the department of public improvements. (8-17-56, § 3.)

TITLE 18.

HARBOR AND PORT OF SAVANNAH.[2]

Chap.
18-1. In General, §§ 18-101 to 18-126.
18-2. Fire Regulations, §§ 18-201 to 18-214.

Chapter 18-1. In General.

§ 18-101. Compliance with title.
§ 18-102. Port limits.
§ 18-103. Harbor lines adopted.
§ 18-104. Structures beyond harbor lines prohibited.
§ 18-105. Deposit of merchandise or debris on public docks.
§ 18-106. Authority of harbor master to board vessels.
§ 18-107. Obedience to directions of harbor master generally.
§ 18-108. Failure to move vessel on order of harbor master.
§ 18-109. Steamers or motor vessels passing wharves, dredges, etc.
§ 18-110. Procedure for hauling past, lying alongside, etc., another vessel.
§ 18-111. Handling loose material between ship and shore.
§ 18-112. Dumping material in river generally.
§ 18-113. Deposit of refuse matter.
§ 18-114. Skids required for loading scrap iron and steel rails.
§ 18-115. Deposit of oil prohibited.
§ 18-116. Fumigation of vessels.
§ 18-117. Hatches to be covered at end of day.
§ 18-118. Lights on anchored vessels.
§ 18-119. Anchoring or mooring to buoys.
§ 18-120. Mufflers on outboard motors.
§ 18-121. Obstructing mouth of canal or sewer.
§ 18-122. Breaking up rafts.
§ 18-123. Harbor master's fees—Generally.
§ 18-124. Same—Failure to pay.
§ 18-125. Arbitration of disputes.
§ 18-126. Rat guards.

2. For special legislative provisions relative to the Savannah District Authority, see ch. 1-19. As to Savannah River Bridge Commission, see ch. 1-20. For provisions giving the city jurisdiction over vessels and their crews in the Savannah River, see § 1-108. For provisions relative to control, repair, etc., of wharves generally, see § 1-121. As to municipal wharves, docks, etc., see § 1-122. For authority of the mayor and aldermen to exercise ferry rights and establish and operate ferries across the Savannah River, see § 1-901.

Sec. 18-101. Compliance with title.

The rules and regulations contained in this title shall be observed as the harbor regulations for the Port of Savannah.

Sec. 18-102. Port limits.

The port limits of the Port of Savannah in the Harbor of Savannah shall be as follows:

Beginning at the intersection of the easterly shore line of Little Back River and the Georgia-Caroline highway (U. S. Route 17); thence southerly along the easterly shores of Little Back River and Back River, approximately 8.9 miles to Savannah River; thence along the northerly shore of North Channel of Savannah River, approximately 5.8 miles to Fields Cut; thence along the northerly shore of Savannah River as defined by the southerly shore of Jones Island, the hydraulic fill connecting Jones Island with Oyster Bed Island, the north shore of Oyster Bed Island and the center line of Oyster Bed Island training wall, approximately 7.3 miles to the easterly end of Oyster Bed Island training wall; thence southerly, approximately 0.9 miles, to the extreme northerly end of Tybee Island; thence along the southerly shore of South Channel and the northerly shore of Tybee Island, approximately 2.3 miles to the northerly end of Lazaretto Creek; thence along the southerly shore of South Channel approximately 8.4 miles to the northerly end of St. Augustine Creek; thence in a straight line in a southwesterly direction to the intersection of Moore Avenue (Old Skidaway Road) and DeRenne Avenue, a distance of 5.8 miles; thence in a straight line in a westerly direction to the intersection of Middle Ground Road and DeRenne Avenue, a distance of 2.7 miles; thence in a straight line in a westerly direction to the intersection of Garrard Avenue and Ogeechee Road, a distance of 2.4 miles; thence in a straight line in a northwesterly direction to the intersection of Louisville Road and Bourne Avenue, a distance of 6.2 miles; thence in a straight line in a northeasterly direction to the intersection of Augusta Road and Augustine Creek, a distance of 4.8 miles; thence in a general easterly direction along Augustine Creek to the Savannah River, a distance of 2.4 miles; thence in a straight line in an easterly direction to Chatham County line on Coastal Highway and Little Back River, the point of beginning, a distance of 1.4 miles. (Code 1945, § 30-149.)

Sec. 18-103. Harbor lines adopted.[3]

The harbor lines established by the Corps of United States Engineers, and approved by the Secretary of War of the United States for the Savannah River, are hereby adopted as the official harbor lines for the Savannah River. (Code 1945, § 30-101.)

Sec. 18-104. Structures beyond harbor lines prohibited.[4]

It shall be unlawful for any person to build or erect any structure of any character on either side of or in the Savannah River, beyond the harbor lines adopted in section 18-103 of this Code. (Code 1945, § 30-101.)

Sec. 18-105. Deposit of merchandise or debris on public docks.

No merchandise, material of any description nor debris shall be deposited on public wharves or docks without express permission of the harbor master. (Code 1945, § 30-129.)

Sec. 18-106. Authority of harbor master to board vessels.

The harbor master shall have the power and authority to board all vessels in the Port of Savannah in connection with his official duties. (Code 1945, § 30-106.)

Sec. 18-107. Obedience to directions of harbor master generally.

No master or other person having charge of any ship or vessel shall refuse or neglect to obey the directions of the harbor master or his assistant in any matters within his or their authority, or shall molest, resist or oppose the harbor master or his assistant in the execution of any of the duties of his or their office.

Sec. 18-108. Failure to move vessel on order of harbor master.

Should the master of any vessel or his representative refuse to

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3. For special legislative authority of the city to establish and control harbor lines, see § 1-107.

4. For special legislative authority of the city to prohibit structures beyond the harbor lines, see § 1-107.

move his vessel when ordered to do so by the harbor master or deputy, the vessel shall be moved, if necessary, with a tug and proper crew employed, at the expense of such vessel.

Sec. 18-109. Steamers or motor vessels passing wharves, dredges, etc.

No steamer or motor vessel shall pass any wharf in the Savannah Harbor or a dredge which is at work at a speed greater than four miles per hour, when traveling against the current, or at a speed greater than six miles per hour, when traveling with the current. No two steamers or motor vessels shall attempt to pass in the immediate vicinity of a dredge at the same time. When two vessels are traveling in opposite directions and would ordinarily pass at the point where the dredge is working, the vessel moving against the current shall slow down, until the other vessel is safely past the vicinity of the dredge. (Code 1945, § 30-137; 10-7-49, § 3.)

Sec. 18-110. Precedure for hauling past, lying alongside, etc., another vessel.

Every vessel hauling past or lying alongside and making fast to another vessel shall put out, in a proper manner, good and sufficient fenders and keep the same so placed as to prevent injury to the vessel she may be alongside of and shall likewise so place her mooring as to prevent injury to such other vessel and, if discharging or taking in a cargo athwart another vessel's deck, she must also keep her plank or staging so fixed as not to cause injury. (10-7-49, § 4.)

Sec. 18-111. Handling loose material between ship and shore.

Timber, logs, broken stone, gravel, sand, coal, rubbish, dirt or loose material of any kind shall not be handled between floating crafts and shore, or vice versa, in such a manner as to allow any of it to be spilled into the waters of the Savannah Harbor. Before such loose material is handled to or from shore, adequate tarpaulins or save-alls must be securely placed under the whole length of the stage or under the path of travel of the material and for five feet on each side of the same, in such manner as to prevent such material from falling into the water. Such material, when placed ashore and not confined by suitable bulkheads, must be at least ten feet landward of the river faces of the wharves. Sweepings from the

deck or ashes from other parts of the vessel, or rubbish of any kind must be taken ashore and carted away.

Sec. 18-112. Dumping material in river generally.

It shall be unlawful to dump or deposit any material of any kind in the Savannah River within the Port Limits without written permission from the city manager and written concurrence of the District Engineer, United States Corps of Engineers and the chairman of the Savannah District Authority.

Sec. 18-113. Deposit of refuse matter.[5]

Refuse matter of any kind or description whatsoever, other than that flowing from streets and sewers and passing therefrom in a liquid state, and other than sanitary sewage, shall not be thrown, discharged or deposited, either from or out of any ship, barge or other floating craft of any kind, or from the shore, wharf, manufacturing establishment or mill of any kind into the waters of the Savannah River, comprising Savannah Harbor, and material of any kind shall not be placed on the banks where the same shall be liable to be washed into such waters, either by ordinary or high tides or by storms or floods, or otherwise.

Sec. 18-114. Skids required for loading scrap iron and steel rails.

All vessels loading scrap iron or steel rails are required to have wooden skids with ends properly secured and of sufficient width to catch any pieces which may fall overboard from the slings, tubs or magnets. These skids must be of sufficient strength to withstand the impact of sharp pieces, such as rails which may fall from the slings. (10-7-49, § 5.)

Sec. 18-115. Deposit of oil prohibited.

No person, or the master of any floating craft, or any member of the crew of such craft or other person shall discharge or suffer or permit the discharge of oil by any method, means or manner into or upon the waters of the Savannah River, comprising Savannah Harbor, or into any of the streams or sewers flowing directly or indirectly into such waters. (10-7-49, § 6.)

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5. As to garbage and trash generally, see Tit. 17.

Sec. 18-116. Fumigation of vessels.

Vessels may be fumigated while lying alongside the wharf or another vessel, but only under the direction of the United States Public Health Service. (10-7-49, § 7.)

Sec. 18-117. Hatches to be covered at end of day.

It shall be the duty of every master of any vessel, while in the Port of Savannah and while loading and unloading, to see that, as soon as work is stopped for the day, all hatches are put on and covered with tarpaulins when deemed necessary by the harbor master.

Sec. 18-118. Lights on anchored vessels.

The master of any vessel lying at anchor in any part of the river at nighttime shall cause a good and sufficient light to be shown in some part of the rigging of such vessel, at least twenty feet above her deck, which light shall be kept burning during the hours between sunset and sunrise. All vessels, including barges, yachts and motor boats, shall display a suitable light or lights on the outboard side of their hulls when moored to any dock, piling or other type structure in the harbor between the hours of sunset and sunrise.

Sec. 18-119. Anchoring or mooring to buoys.

No launch, bateau, skiff, sloop, schooner or other vessel shall anchor or moor to any buoy in the Savannah River, between Houlihan Bridge (U. S. Highway 17) and Fort Jackson, except in an emergency.

Sec. 18-120. Mufflers on outboard motors.[6]

It shall be unlawful for any person to operate an outboard motor for the propulsion of any boat or vessel on or along the Savannah River, between the Seaboard Air Line Bridge on the west and Fort Jackson on the east, unless such motor exhausts under the water or is equipped with an efficient muffler. (Code 1945, § 30-144.)

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6. As to noise generally, see Tit. 23.

Sec. 18-121. Obstructing mouth of canal or sewer.

It shall be unlawful for any person to put or place at or near the mouth of any canal or sewer in Savannah Harbor any raft, flat, hulk or other obstruction, so as to in anywise obstruct the free flow of water out of such canal or sewer. (Code 1945, § 30-139.)

Sec. 18-122. Breaking up rafts.

It shall be unlawful for any person to break up or permit or suffer to be broken up any raft or timber, lumber or wood any where in or upon the Savannah River at any point between the upper portion or limit of the city and the western extremity of Elba Island. It shall be the duty of the harbor master to report every violation of this section coming to his knowledge or of which he has credible information. It shall not be a violation of this section to break up such raft, where the same is done with a boom or basin nor shall it be a violation of this section to break up rafts of oak or cypress and load the same on the north side of the Savannah River, when the same are broken up under a permit first had and obtained through the harbor master, from the city manager, who is hereby authorized to give such permit as he may see fit, from time to time, under such regulations as he may prescribe. (Code 1945, § 30-138.)

Sec. 18-123. Harbor master's fees—Generally.

The following shall be the charges and fees payable to the harbor master for all service by the harbor master or his assistants, to vessels and their cargoes in the Port of Savannah:

By each transient steamship or motor vessel, fifteen dollars, except steamships or motor vessels having a net tonnage of less than two hundred fifty tons, when the harbor master's fee will be five dollars.

By each coast-wise steamship or motor vessel running regularly to this port, six dollars per month.

By each barge engaged in the coast-wise trade, four dollars.

By each transient tug engaged in towing, eight dollars, payable not more than twice in every year.

No charges or fees shall be assessed, levied or collected by the harbor master or his assistants, against agents, masters or captains of any vessel, or against any vessel or its cargo, using the harbor and port of Savannah when such vessel is in distress or

entering such port for bunkering purposes. No charges shall be made against visiting naval vessels and yachts.

Sec. 18-124. Same—Failure to pay.

Whenever any of the fees or charges specified herein shall be due and payable and are not paid on presentation of the bill, they shall be doubled and execution shall issue accordingly. (Code 1945, § 30-108.)

Sec. 18-125. Arbitration of disputes.

In case of dispute or difference of opinion arising between or amongst masters of vessels or others concerned under the harbor regulations contained in this title, the same shall be settled by the arbitration of the harbor master, on the application to him in writing of those interested. (10-7-49, § 24.)

Sec. 18-126. Rat guards.

The harbor master may require the master, owner or agent of any vessel using the harbor and Port of Savannah to place rat guards on all mooring lines and to take other precautions in the interest of public health, when such precautions are considered necessary by the harbor master. Failure to comply with the harbor master's instructions by such master, owner or agent will be deemed as a violation of this Code.

Chapter 18-2. Fire Regulations.[7]

§ 18-201. Smoking on wharves, docks, etc., prohibited.
§ 18-202. "No smoking" signs at places used for storing cotton, naval stores, etc.
§ 18-203. Fire hose to be coupled, etc.
§ 18-204. Spark arresters for funnels and smokestacks; fires to be in metal fire boxes; fire warps required.
§ 18-205. Whistle or siren in event of fire.
§ 18-206. Fires on vessels lying alongside wharves or other vessels.
§ 18-207. Water barrels and buckets required in certain cases.
§ 18-208. Smoking during loading or unloading operations.
§ 18-209. Lights in holds.
§ 18-210. Painting holds containing cotton or gunnies.
§ 18-211. Making or using matches during loading or unloading operations.
§ 18-212. No smoking on Talmadge Bridge.
§ 18-213. Inflammable cargo to be covered.
§ 18-214. Special provisions relative to vessels carrying explosives.

Sec. 18-201. Smoking on wharves, docks, etc., prohibited.

It shall be unlawful for any person to smoke any pipe, cigar or cigarette on any wharf, dock or pier within the Port of Savannah. (Code 1945, § 27-157.)

Sec. 18-202. "No smoking" signs at places used for storing cotton, naval stores, etc.

There may be prepared and put up in conspicuous places upon the wharves or other places used for loading, unloading or storing cotton, naval stores, hay, oil or other merchandise, signboards or notices to the effect that no smoking is allowed under penalty of the law, and it shall be unlawful for any person, except the owner, lessee or agent of the building or wharf, upon which the sign is placed, to remove or take away any such sign or notice so erected. (Code 1945, § 27-151.)

Sec. 18-203. Fire hose to be coupled, etc.

It shall be the duty of every owner, agent, master or captain of any vessel, boat, tug or craft, propelled in whole or in part by steam,

7. As to fire protection generally, see Tit. 14.

or any motor vessel, immediately upon its arrival in the port, to couple its fire hose to its fire mains and have the same ready for immediate use at all times while in the port; provided said vessel, boat, tug or craft is loading or discharging cargo consisting of cotton, lumber, gunnies, or naval stores, and sufficient steam shall be kept up night and day on the donkey engine, or on one of the main boilers, to enable a full stream of water to be turned into any compartment of such boat, tug, vessel or craft at any time. In the event that such vessel, boat, tug or craft shall not be provided with sufficient hose to reach each and every hatch of such vessel, boat, tug, or craft, then it shall be the duty of the owner, agent, master or captain thereof, to immediately supply such vessel, boat, tug, or craft, with sufficient hose to do so. Fire precautions during loading or discharging operations as required by the National Board of Fire Underwriters and/or the United States Coast Guard shall be observed at all times.

Sec. 18-204. Spark arresters for funnels and smokestacks; fires to be in metal fire boxes; fire warp's required.

It shall be the duty of every owner, agent, master or captain of any vessel, boat, tug or craft propelled in whole or in part, by steam, or on which any steam engine or steam boiler is or is used, if burning coal, immediately upon the arrival of such vessel at any wharf, dock or pier, or alongside of another vessel, within the Port of Savannah, to cover all funnels and smokestacks securely with a first-class spark arrester.

It shall be the duty of every person owning or operating any steam locomotive, steam engine, donkey engine or stationary engine on or about the wharves, docks or piers of the city, or on or about any yard or warehouse where any cotton, naval stores or lumber is stored in the city, to cover the smokestack of each and every such steam locomotive, steam engine, donkey engine or stationary engine securely with a first-class spark arrester.

No vessel or boat lying alongside of any other vessel or wharf shall have a fire in the deckhouse, or any other place on or under deck of such vessel or boat, except in a metal fire box, and such fire box or other fire place be well and safely covered and surrounded with a good and sufficient deckhouse or other covering or enclosure.

Vessels must at all times be securely and properly moored in

their berths with adequate lines or wire cables. A fire warp of wire cable or rope, with a large eye splice in the end, shall be securely fastened to the deck of a vessel so as to hang not more than five feet above the water's edge and shall be placed both at the bow and stern of any ship which is unable to get under way by its own power.

Sec. 18-205. Whistle or siren in event of fire.

In the event of fire occurring on board any vessel in the Port of Savannah, except vessels underway, such vessel will sound five prolonged blasts of the whistle or siren, as an alarm indicating fire on board or at the dock to which the vessel is moored. Such signal may be repeated at intervals to attract attention, and is not a substitute for, but may be used in addition to, other means of reporting a fire.

The words "prolonged blast", as used in this section, shall mean a blast from four to six seconds' duration.

Sec. 18-206. Fires on vessels lying alongside wharves or other vessels.

No vessel or boat lying alongside of any other vessel or wharf shall have a fire in the caboose or any other place on or under the deck of such vessel or boat, except in an iron caboose. Such caboose or other fire place shall be well and safely covered and surrounded with a good and sufficient caboose house, hut or other covering or enclosure.

Sec. 18-207. Water barrels and buckets required in certain cases.

Every owner, agent, master or captain of any vessel loading or discharging cotton or gunnies must provide one barrel of water and two buckets at each hatch where the loading or discharging of cotton or gunnies is in progress.

Sec. 18-208. Smoking during loading or unloading operations.

It shall be unlawful for any person to smoke any pipe, cigar or cigarette on the deck or in the hold of any vessel, while loading or unloading at the port.

Sec. 18-209. Lights in holds.

It shall be unlawful for any person to have, carry, take or use any light or lantern in the hold of any vessel loading or unloading in the port, unless such light is an approved electric flashlight.

Sec. 18-210. Painting holds containing cotton or gunnies.

It shall be unlawful while any vessel is engaged in loading or discharging, or while such cargo is in any hold or compartment of such vessel while in the port, for any person to paint in any such hold or compartment or around the hatch coamings leading to such compartments.

Sec. 18-211. Making or using matches during loading or unloading operations.

It shall be unlawful for any person to make or to use matches in any way in the holds of vessels of any description, or on the decks of the same, during the time such vessels may be taking in or unloading any cargo whatsoever.

Sec. 18-212. No smoking on Talmadge Bridge.

Smoking is prohibited on the Eugene Talmadge Memorial High Level Bridge between the toll gate on the south side and the Hutchinson Island turn-off on the north side.

Sec. 18-213. Inflammable cargo to be covered.

All persons engaged in lightering or otherwise transporting inflammable merchandise, naval stores excepted, on waters within the limits of the Savannah Harbor, are hereby required to cover the same, while on lighters or other crafts, with tarpaulins or other more permanent and substantial materials.

Sec. 18-214. Special provisions relative to vessels carrying explosives.

Vessels having explosives of any kind, as cargo, must have such cargo stowed, both as to quantity and manner, in strict accordance with the provisions of the United States Coast Guard. The agents of such a vessel, before bringing her to the Port of Savannah, must have received docking permission from the

United States Coast Guard, captain of the port, and must give twenty-four hours notice previous to her expected arrival to the harbor master's office, and to all persons and agencies interested in the handling of the vessel, or intending to board her on official business. Also, notice shall be given to the Savannah fire department. All notices shall contain a list of the explosives and state their quantities. The quantity of explosives and the terminal point of discharge or loading or berthing of the vessel shall be subject to the prescribed standards of the United States Coast Guard.

TITLE 19.

HOUSING.[8]

§ 19-101. Short title.
§ 19-102. Purpose of title.
§ 19-103. Definitions.
§ 19-104. Applicability of title.
§ 19-105. Certain dwellings declared unfit or a nuisance.
§ 19-106. Maintenance generally.
§ 19-107. Premises to be kept clean and sanitary.
§ 19-108. Minimum floor space—Generally.
§ 19-109. Same—In rooms.
§ 19-110. Same—Calculation.
§ 19-111. Air space—Generally.
§ 19-112. Same—In sleeping rooms.
§ 19-113. Same—Excavation adjoining basement window.
§ 19-114. Roofs, foundations, etc.
§ 19-115. Stairways and porches.
§ 19-116. Lot drainage.
§ 19-117. Basement walls and floors.
§ 19-118. Electric circuits required.
§ 19-119. Windows generally.
§ 19-120. Windows, doors, etc., to be watertight, weathertight, etc.
§ 19-121. Lights in hallways.
§ 19-122. Replacement of electric wiring and outlets.
§ 19-123. Ventilation—In habitable rooms.
§ 19-124. Same—In kitchens.
§ 19-125. Same—In bathrooms.
§ 19-126. Same—In public hallways and stairways.

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8. For state law as to urban redevelopment, see Ga. Code Ann., ch. 69-11.

As to buildings generally, see Tit. 9. As to public health and sanitation generally, see Tit. 29.

§ 19-127. Same—In basements.
§ 19-128. Heating facilities.
§ 19-129. Installation and maintenance of plumbing fixtures and pipes generally.
§ 19-130. Water closet required.
§ 19-131. Bathtub or shower required.
§ 19-132. Kitchen sink.
§ 19-133. Plumbing fixtures to be provided with running water and connected to sewer.
§ 19-134. Plumbing installations to comply with title 26 of this Code.
§ 19-135. Unsanitary plumbing fixtures.
§ 19-136. Repair of floor and walls around water closets, sinks, etc.
§ 19-137. Septic tanks.
§ 19-138. Removal of privies and outside water toilets.
§ 19-139. Rubbish and garbage storage containers generally.
§ 19-140. Screens.
§ 19-141. Rodent control generally.
§ 19-142. Storage of dangerous materials in multiple dwellings.
§ 19-143. Certain rooms not to be used in preparation of food.
§ 19-144. Portions of buildings not to be used for sleeping.
§ 19-145. Cellar space not to be used as dwelling unit or habitable room.
§ 19-146. Use of basement space as dwelling unit or habitable room—Generally.
§ 19-147. Same—During construction of remainder of dwelling.
§ 19-148. Duties of occupants—Relative to cleanliness of premises.
§ 19-149. Same—Relative to plumbing fixtures.
§ 19-150. Same—Relative to rubbish and garbage disposal.
§ 19-151. Same—Extermination of pests.
§ 19-152. Rooming houses—Plumbing facilities.
§ 19-153. Same—Linens.
§ 19-154. Same—Responsibility of operator for sanitary condition of premises.
§ 19-155. Hotels.
§ 19-156. Removal or discontinuance of required facility, service, etc.
§ 19-157. Inspections.
§ 19-158. Violation of title—Notice to owner or occupant—Generally.
§ 19-159. Same—Same—Service.
§ 19-160. Same—Hearing.
§ 19-161. Same—Duties of city attorney.
§ 19-162. Same—Penalty.
§ 19-163. Title to be enforced through recorder's court.

Sec. 19-101. Short title.

This title shall be known as the "Minimum Standards Housing Ordinance". (8-31-56.)

Sec. 19-102. Purpose of title.

It is the purpose of this title to express, legislatively, contemporary standards of minimum shelter and, with the current mobility of persons, to recognize the increased interdependence of home environment and community well-being. Slum and housing blight are companions of disease and social disorder. Good housing is necessary for good citizenship and for the health, safety and welfare of the people. (8-31-56.)

Sec. 19-103. Definitions.

The following definitions are set forth for the purposes of this title and shall apply in the interpretation and enforcement thereof:

Basement. A portion of a building located partly underground and having less than half of its clear ceiling-to-floor height below the average grade of the adjoining ground.

Cellar. A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Commissioner of health. The legally designated health authority of Chatham County, or his authorized representative.

Dwelling. A permanent structure, or portion of a permanent structure, arranged for one or more dwelling units.

Dwelling unit. Any room, or group of rooms, located within a dwelling or multiple dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking or eating.

Habitable room. A room or enclosed floor space used, or intended to be used, for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

Hallway. An enclosed passageway leading to a stairway or other required exit, which provides common access to rooms or other passages in the same story of a building.

Multiple dwelling. A structure, or portion of a structure, arranged for more than two dwelling units.

Premises. A lot, plot or parcel of land, including the buildings or structures thereon.

Rooming house. Any dwelling, or that part of any dwelling, containing one or more rooming units in which space is let by the owner or operator to three or more persons, who are not husband or wife, mother or father or sister or brother of the owner or operator.

Room unit. Any room, or group of rooms, forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Shaft. A vertical opening or enclosed space extending through one or more stories of a building.

Stairway. One or more flights of stairs and the necessary landings and platforms to form a continuous passage from one floor to another.

Supplied. Paid for, or provided by, the owner or primary tenant. (8-31-56.)

Sec. 19-104. Applicability of title.

This title shall apply to all dwellings, multiple dwellings and dwelling units in the city. (8-31-56.)

Sec. 19-105. Certain dwellings declared unfit or a nuisance.[9]

The following dwellings are hereby declared unfit for human habitation or a nuisance:

(a) Those which are so damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested that they create a serious hazard to the health or safety of the occupants or of the public.

(b) Those which lack illumination, ventilation or sanitation facilities, adequate to protect the health or safety of the occupants or of the public.

(c) Those which, because of their general condition or location, are insanitary or otherwise dangerous to the health or safety of the occupants or of the public.

(d) Any building, structure, enclosure, place or premises is a nuisance where it is perilous to life or property by reason of its construction, or of the condition or quantity of it contents, or of the use of the building or its contents, or of the overcrowding at

9. For state law authorizing municipalities to define conditions which render structures unfit for human habitation or a nuisance, see Ga. Code Ann., § 69-1118.

any time of persons therein, or of conditions in its construction likely to cause fire or the spreading of fire, or of conditions therein which would hamper or impede the fire department in combating a fire in or about the building; or where the condition of the walls, floors or roof is such that the building is likely to fall on account thereof, thereby endangering the safety of its occupants or of the public.

(e) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(f) Those which, exclusive of the foundation, show thirty-three per cent or more of damage or deterioration of the nonsupporting enclosing or outside walls or covering.

(g) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(h) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.

(i) Those which have become or are so dilapidated, decayed, unsafe, insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

(j) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

(k) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

(l) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(m) Those which, because of their condition, are unsafe, insanitary or dangerous to the health, morals, safety or general welfare of the people of the city.

(n) Those existing in violation of any provision of the Building Code,[1] the Fire Prevention Code[2] or other ordinances of the city. (8-31-56.)

1. See §§ 9-201 to 9-210.
2. See §§ 14-301 to 14-303.

Sec. 19-106. Maintenance generally.

Every dwelling and multiple dwelling, and all parts thereof, shall be maintained in such a condition as to provide a healthy, sanitary and structurally safe place in which to live. (8-31-56.)

Sec. 19-107. Premises to be kept clean and sanitary.

Each room, hallway, passageway, stairway, wall partition, ceiling, floor, skylight, glass window, door, carpet, rug matting, window curtain, water closet compartment or room, toilet room, bathroom, sink room, wash room, plumbing fixture, drain roof, closet, cellar, basement, yard, court, lot and the premises of every building shall be kept, in every part, clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, vermin and other offensive matter. (8-31-56.)

Sec. 19-108. Minimum floor space—Generally.

Every dwelling unit shall contain at least one hundred fifty square feet of floor space for the first occupant thereof and at least seventy-five additional square feet for every additional occupant. (8-31-56.)

Sec. 19-109. Same—In rooms.

In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least sixty square feet of floor space and every room occupied for sleeping purposes by more than one occupant shall contain at least forty square feet of floor space for each occupant thereof. (8-31-56.)

Sec. 19-110. Same—Calculation.

Floor space shall be calculated on the basis of total habitable room area. At least one half of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of that part of any room where the ceiling height is less than six feet shall not be considered as a part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof. (8-31-56.)

Sec. 19-111. Air space—Generally.

In every dwelling unit, there shall be not less than six hundred cubic feet of air space for each adult and not less than four hundred cubic feet of air space for each child under twelve years of age. (8-31-56.)

Sec. 19-112. Same—In sleeping rooms.

Any room occupied for sleeping purposes shall contain not less than four hundred twenty cubic feet of air space. (8-31-56.)

Sec. 19-113. Same — Excavation adjoining basement window.

If the ground adjoining a basement window is excavated below grade, the excavated space shall be sufficiently wide to permit penetration of light and circulation of light and air with a minimum width of two feet six inches and at least one foot below the window sill. (8-31-56.)

Sec. 19-114. Roofs, foundations, etc.

The roofs, foundations, floors, walls and ceilings of all dwellings and multiple dwellings shall be reasonably waterproof, weatherproof and rodentproof. (8-31-56.)

Sec. 19-115. Stairways and porches.

Every stairway and porch of a dwelling shall be maintained in a safe and useable condition, capable of supporting the load resulting from normal use. (8-31-56.)

Sec. 19-116. Lot drainage.

All portions of a lot around a dwelling or multiple dwelling, including the yards, areaways, courts and passageways, shall be graded so as to provide proper drainage of storm or casual water. (8-31-56.)

Sec. 19-117. Basement walls and floors.

The walls and floors of basements of all dwellings and multiple dwellings, which are below and at ground level, shall be reasonably waterproof and dampproof. (8-31-56.)

Sec. 19-118. Electric circuits required.

Each dwelling unit shall have installed electric lighting and appliance circuits in accordance with the city Electrical Code,[3] within two years after the passage of this title. (8-31-56.)

Sec. 19-119. Windows generally.

In all new construction, every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area of every room so occupied shall be ten per cent of the floor area of such rooms. Wherever walls or other portions of an adjoining structure obstruct a window by being located less than four feet from the window and extending to a level above that of the ceiling of the room, such window shall not be included in calculating the total required minimum window area of the room. Wherever the only window in a room is a skylight-type window, the total window area shall equal at least fifteen per cent of the total floor area of such room. (8-31-56.)

Sec. 19-120. Windows, doors, etc., to be watertight, weathertight, etc.

Every window, exterior door and basement hatchway of dwellings and multiple dwellings shall be reasonably watertight, weathertight and rodentproof and shall be kept in sound, working condition and reasonably good repair. (8-31-56.)

Sec. 19-121. Lights in hallways.

Every public hallway and stairway in any multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hallway and stairway in apartment dwelling structures containing not more than four dwelling units must be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed. (8-31-56.)

Sec. 19-122. Replacement of electric wiring and outlets.

All electric light and power wiring or unprotected outlets which involve the danger of fire or shock shall be replaced. (8-31-56.)

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3. See Tit. 13.

Sec. 19-123. Ventilation—In habitable rooms.

Every habitable room shall have at least one window or skylight which can be opened for ventilation. The openable window area shall equal forty-five per cent of the minimum window size, as required by section 19-119 of this Code; provided, that such openable windows in existing construction shall not be required, when such room is adequately ventilated by other acceptable means approved by the commissioner of health. (8-31-56.)

Sec. 19-124. Same—In kitchens.

Every kitchen shall have at least one openable window or skylight, or such mechanical system as will assure necessary ventilation for health, as approved by the commissioner of health. (8-31-56.)

Sec. 19-125. Same—In bathrooms.

Every bathroom and water closet compartment shall have at least one openable window or skylight or such facility as will assure necessary ventilation for health and sanitation, as approved by the commissioner of health. (8-31-56.)

Sec. 19-126. Same—In public hallways and stairways.

Every public hallway and stairway in a multiple dwelling shall be equipped with such facilities as will assure necessary ventilation for health and sanitation, as approved by the commissioner of health. (8-31-56.)

Sec. 19-127. Same—In basements.

Every basement shall have a means of ventilation sufficient for the special use to which it is being put. (8-31-56.)

Sec. 19-128. Heating facilities.

Every dwelling unit shall have minimum heating facilities, consisting of arrangements by at least one chimney or flue, so located as to provide for the heating of all habitable rooms and bathroom and water closet compartments. This shall be provided within two years after the passage of this title. All hazardous and unsafe heaters shall be removed. (8-31-56.)

Sec. 19-129. Installation and maintenance of plumbing fixtures and pipes generally.[4]

Every plumbing fixture, water pipe and waste pipe of all dwellings and multiple dwellings shall be properly installed and maintained in a sanitary, working condition. (8-31-56.)

Sec. 19-130. Water closet required.

Where public water supply and sewer systems are accessible, in all new construction, a properly installed water closet shall be provided in each dwelling unit. In existing construction, such facility shall be installed within three years after the passage of this title. If it is not physically practicable to install the water closet within the existing dwelling unit, it may be installed on a properly enclosed portion of a roofed porch attached to the dwelling; provided, that the installation is adjacent to the dwelling unit and that it can be reached by occupants of the dwelling unit without passage through or by any other dwelling unit. (8-31-56.)

Sec. 19-131. Bathtub or shower required.

An installed bathtub or shower, properly connected to the water supply and sewer line, shall be provided within each dwelling unit within five years after the passage of this title. (8-31-56.)

Sec. 19-132. Kitchen sink.

Where a public or private water supply and sewer system are accessible, there shall be installed within every dwelling unit at least one kitchen sink with running water furnished through supply pipes in sufficient quantity to serve the needs of health and sanitation. The sink shall be properly connected to the accessible public or private sewer system. In all new construction, the sink shall be installed during construction, and in all existing construction, such facility shall be installed within three years after the passage of this title. (8-31-56.)

Sec. 19-133. Plumbing fixtures to be provided with running water and connected to sewer.[5]

Every plumbing fixture installed in any dwelling or dwelling

4. As to plumbing generally, see Tit. 26.
5. As to water and sewers generally, see Tit. 37.

unit shall be provided with running water. Every plumbing fixture affecting the sanitary drainage system of any building containing dwelling units shall be properly connected with a sanitary sewer, if the sewer is within a distance of two hundred feet of the dwelling unit and ready to receive connections. (8-31-56.)

Sec. 19-134. Plumbing installations to comply with title 26 of this Code.

All plumbing shall be installed in accordance with title 26 of this Code. One purpose, among others, of this title is to strengthen the plumbing ordinances of the city and provide cooperation between the commissioner of health and the city plumbing inspector. It is not intended that this title should take from the plumbing ordinance of the city authority of administration, installation or requirements of the plumbing ordinance. (8-31-56.)

Sec. 19-135. Unsanitary plumbing fixtures.

Wherever any plumbing fixture becomes unsanitary, it shall be removed and replaced by a fixture conforming to the provisions of title 26 of this Code. (8-31-56.)

Sec. 19-136. Repair of floor and walls around water closets, sinks, etc.

The floor beneath and wall surface around every water closet, slop sink or lavatory shall be maintained in reasonably good repair. (8-31-56.)

Sec. 19-137. Septic tanks.[6]

The enforcement agency shall, in every case, determine if public sewerage is available, and if it decides that it is not, it may issue a special permit for the installation of a septic tank, with field tile drainage, as required by the county department of health. This permit shall be subject to revocation upon availability of sanitary sewerage piping systems. (8-31-56.)

Sec. 19-138. Removal of privies and outside water toilets.

When a water closet has been properly installed, the existing

6. As to septic tanks generally, see §§ 26-418 to 26-420.

privy or outside water toilet shall be completely removed and the place where it was located shall be filled and properly disinfected. (8-31-56.)

Sec. 19-139. Rubbish and garbage storage containers generally.[7]

Every dwelling unit shall have an adequate number of approved rubbish and garbage storage containers. (8-31-56.)

Sec. 19-140. Screens.

During that portion of the year when the enforcement officer deems it necessary for protection against mosquitoes, flies and other insects, every door, window or other device with openings to outdoor space used or intended to be used for ventilation shall be supplied with adequate screens or netting. (8-31-56.)

Sec. 19-141. Rodent control generally.

Every basement window, cellar window or other opening to a basement, used or intended to be used for ventilation, which might provide an entry for rodents, shall be supplied with a device which will effectively prevent their entrance. (8-31-56.)

Sec. 19-142. Storage of dangerous materials in multiple dwellings.

No article or material which is dangerous or detrimental to life or to the health of the occupants shall be kept, stored or handled in any part of a multiple dwelling, or on the lot on which such building is situated, except upon a written permit obtained from the officer or agency authorized to issue the permit. Every permit shall be made in duplicate, and a copy shall remain on file in the office of the officer or agency issuing it. Every filed copy constitutes a public record. (8-31-56.)

Sec. 19-143. Certain rooms not to be used in preparation of food.[8]

Food shall not be cooked or prepared in any bath, shower, slop

7. As to garbage and trash receptacles generally, see §§ 17-104 to 17-110.

8. As to food and food establishments generally, see Tit. 15.

sink room, toilet room or water closet compartment, or in any other portion of a dwelling or dwelling unit where such cooking or preparation of food would be detrimental to the health of the occupants or the proper sanitation of the building. (8-31-56.)

Sec. 19-144. Portions of buildings not to be used for sleeping.

No person shall use or permit another person to use any of the following portions of a building for sleeping purposes:

(a) Any cellar, hallway, water closet, bath, shower compartment or slop sink room.

(b) Any other space which does not comply with the provisions of this title, or in which, in the judgment of the enforcement agency, sleeping is dangerous or prejudicial to life or health by reason of an overcrowded condition, a want of light, windows, ventilation or drainage, dampness or offensive, obnoxious or poisonous odors in the space. (8-31-56.)

Sec. 19-145. Cellar space not to be used as dwelling unit or habitable room.

No space in the cellar of any building shall be used as a dwelling unit or habitable room. (8-31-56.)

Sec. 19-146. Use of basement space as dwelling unit or habitable room—Generally.

Basement space shall be used as a dwelling unit or habitable room only if it meets the following qualifications:

(a) The floor and walls are impervious to leakage and insulated against dampness.

(b) The total window area in each living or sleeping room is equal to the minimum window size required in section 19-119 of this Code.

(c) The total openable window area in each room is equal to the minimum requirement set forth in section 19-123 of this Code. (8-31-56.)

Sec. 19-147. Same—During construction of remainder of dwelling.

Where basement living quarters are occupied during construc-

tion of the remainder of the dwelling, the building permit shall so state and limit such occupancy to a period of one year. (8-31-56.)

Sec. 19-148. Duties of occupants—Relative to cleanliness of premises.

Every occupant shall keep in a clean and sanitary condition all parts of the dwelling or dwelling unit which he controls. He shall cooperate in using and maintaining the shared or public areas in a clean and unlittered condition. (8-31-56.)

Sec. 19-149. Same—Relative to plumbing fixtures.

Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof. He shall promptly notify the owner or prime tenant when plumbing fixtures become broken or their operation impaired. (8-31-56.)

Sec. 19-150. Same — Relative to rubbish and garbage disposal.[9]

Every occupant shall dispose of his garbage and rubbish in a clean and sanitary manner by placing it in the storage containers required by section 19-139 of this Code, such containers to be provided by the occupant. (8-31-56.)

Sec. 19-151. Same—Extermination of pests.

Every occupant shall be responsible for the extermination of any insects, rodents or other pests within his dwelling unit. (8-31-56.)

Sec. 19-152. Rooming houses—Plumbing facilities.[1]

At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the health officer and in good working condition, shall be supplied for each eight persons, or fraction thereof, residing within a rooming house, including members of the operator's family, wherever they share the use of such facilities; provided, that in a

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9. As to garbage and trash generally, see Tit. 17.
1. As to plumbing generally, see Tit. 26.

rooming house where rooms are let only to males, flush urinals may be substituted for not more than one half the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement, except by written approval of the health officer. (8-31-56.)

Sec. 19-153. Same—Linens.

The operator of every rooming house shall change supplied bed linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner. (8-31-56.)

Sec. 19-154. Same—Responsibility of operator for sanitary condition of premises.

The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings and for the maintenance of a sanitary condition in every other part of the rooming house. He shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator. (8-31-56.)

Sec. 19-155. Hotels.

Every provision of this title which applies to rooming houses shall also apply to hotels, except to the extent they may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency. (8-31-56.)

Sec. 19-156. Removal or discontinuance of required facility, service, etc.

No owner, prime tenant or occupant of a dwelling or dwelling unit shall cause any service, facility, equipment or utility which is required under this title to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary

emergencies, when discontinuance of service is approved by the enforcement agency. (8-31-56.)

Sec. 19-157. Inspections.

The commissioner of health is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the city in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspection, the commissioner of health is hereby authorized, with the permission of the owner or occupant, to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units or premises. If the owner or occupant denies the commissioner access, he may obtain a court order or warrant requiring his admission. (8-31-56.)

Sec. 19-158. Violation of title—Notice to owner or occupant—Generally.

In order to cooperate with and cause the citizens of the city as little trouble, inconvenience and expense as possible, the commissioner of health shall, before causing summonses to be issued, give written notice to the owner or the person in possession, charge or control of any building or structure which, in his opinion, after examination, constitutes a violation of this title. The commissioner may set out in such notice the repairs which, in his opinion, are necessary to eliminate the objectionable conditions and request that they be made within a reasonable time specified in the notice. Such notice shall include a statement of the reasons why it is being issued and shall further state that, unless such repairs are voluntarily made within the time specified, it will be the commissioner's duty to cause summonses to be issued requiring the party notified to appear in the recorder's court and that the recorder will determine whether the building or structure involved constitutes a nuisance and should be abated. The city attorney shall assist the commissioner of health in the preparation of such notice.

Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this title. (8-31-56.)

Sec. 19-159. Same—Same—Service.

The notice required by the preceding section shall be served upon the owner or his agent, or the occupant, as the case may require; provided, that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, if a copy thereof is sent by registered mail to his last-known address, if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice or if he is served with such notice by any other method authorized or required under the laws of the state. (8-31-56.)

Sec. 19-160. Same—Hearing.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this title, may request, in writing, a hearing within ten days from the receipt of the notice, and shall be granted a hearing on the matter before the commissioner of health. Upon receipt of such request, the commissioner of health shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the request was filed; provided, that upon application of the petitioner, the commissioner of health may postpone the date of the hearing for a reasonable time beyond such ten-day period, if, in his judgment, the petitioner has submitted a good and sufficient reason for such postponement.

After such hearing, the commissioner of health shall sustain, modify or withdraw the notice, depending upon his finding as to whether the provisions of this title have been complied with. (8-31-56.)

Sec. 19-161. Same—Duties of city attorney.

The city attorney, or one of his assistants, shall prosecute all violators of this title and render full assistance to the commissioner of health. (8-31-56.)

Sec. 19-162. Same—Penalty.

Any person who violates any provision of this title, and who has been notified of the alleged violation by the commissioner of

health in accordance with this title, will be subject, upon conviction, to punishment as provided for in section 2-105 of this Code. (8-31-56.)

Sec. 19-163. Title to be enforced through recorder's court.

In accordance with Georgia Code Annotated, section 69-1118-(c), the enforcement of this title by the commissioner of health shall be through the recorder's court of the city. (8-31-56.)

TITLE 20.

JUNK AND SECONDHAND GOODS.[2]

§ 20-101. Definitions.
§ 20-102. Report of purchases generally.
§ 20-103. Junk to be retained twenty-four hours after report.
§ 20-104. Retention of secondhand gold.
§ 20-105. Petition for approval of location of junk yard or motor vehicle salvage business.
§ 20-106. Fence for junk yard or motor vehicle salvage business—Generally.
§ 20-107. Same—Advertisements on.
§ 20-108. Junk not to be received at night.
§ 20-109. Purchases from minors—Junk.
§ 20-110. Same—Secondhand goods.
§ 20-111. Shipment of junk out of city.
§ 20-112. Junk-collecting vehicles—License fee, certificate and tag generally.
§ 20-113. Same—Registration.
§ 20-114. Same—Use of license and tag on another vehicle.
§ 20-115. Same—Operator's report.
§ 20-116. Same—Operation at night.
§ 20-117. Record of purchases of secondhand jewelry.
§ 20-118. Retention of secondhand jewelry.
§ 20-119. Used bicycles—Report of purchases and exchanges.
§ 20-120. Same—Retention.
§ 20-121. Same—Inspection by police.
§ 20-122. Same—Bill of sale.
§ 20-123. Same—Purchase or exchange prohibited if serial number tampered with.
§ 20-124. Parties exempt from regulatory provisions relative to junk and secondhand dealers.

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2. As to pawnbrokers, see Tit. 25.

Sec. 20-101. Definitions.

The following words and phrases, when used in this title, shall have the meanings herein ascribed to them:

Junk. The word "junk" shall be held and construed to include old rope, chains, iron, copper, brass, lead, parts of machinery, car brasses, old rubber, old plumbing fixtures, bagging, burlap, old pipe and all other articles and things ordinarily gathered and bought up by junk dealers.

Junk dealer. A "junk dealer" is any person who buys or receives used property which is no longer useable for the purpose for which it was originally intended.

Junk yard. A "junk yard" is any business or place of business where secondhand materials are kept and stored not in a building, but in any open area within the corporate or jurisdictional limits of the city, for the purpose of resale, whether retail or wholesale, or whether in small quantities or in carload lots.

Motor vehicle salvage business. A "motor vehicle salvage business" is defined as including any business of buying, gathering or storing of motor vehicles unfit to be reconditioned for use on the public highways and shall include the selling, delivering or storing of used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded secondhand material, which has been a part of or is intended to be a part of any motor vehicle.

Secondhand dealer. A "secondhand dealer" is any person who buys or receives, for the purpose of resale, used property which is still capable of being used for the purpose for which it was originally intended.

Vehicle. The word "vehicle" shall be construed to mean wagon, dray, automobile, truck, motor truck, motorcycle, pushcart and any other like conveyance.
(Code 1945, §§ 58-117, 58-124, 58-129; 1-20-56, § 1.)

Sec. 20-102. Report of purchases generally.

All purchasers of junk, whether junk dealers or not, and every owner or lessee of a junk shop, and all purchasers of secondhand or used merchandise or merchandise in single or odd pieces, including plumbing and electrical fixtures, doing business within the

jurisdictional limits of the city shall, within twenty-four hours after delivery to them of any junk, secondhand merchandise or merchandise in single or odd pieces or any property of similar character, including plumbing and electrical fixtures, make a written report to the chief of police, giving a description of the property sufficient to make identification easy, the name of the person from whom the same was purchased and the address of the seller. This section shall apply to purchasers of automobiles sold for junk and such a purchaser shall include in his report the engine number and serial number of any automobile so purchased.

All dealers in secondhand or used articles, such as old silver, linen, clothing or jewelry, must make a daily report of all purchases made by them to the police department, giving a description of the same on forms to be furnished by the police department. (Code 1945, §§ 58-116, 58-176.)

Sec. 20-103. Junk to be retained twenty-four hours after report.

Any person buying junk or merchandise or other property of a similar character and every owner or lessee of a junk shop doing business within the jurisdictional limits of the city shall, after rendering the report required by section 20-102 of this Code, allow an additional twenty-four hours for inspection of the property by the police and, prior to the expiration of such time, shall make no disposition whatsoever of the same, or any part thereof, nor remove nor permit the removal from the place where the same has been delivered, nor make any alteration of the same, or any part thereof. (Code 1945, § 58-121.)

Sec. 20-104. Retention of secondhand gold.

All purchasers of secondhand gold or articles containing gold, either in whole or in part, shall retain such gold or articles for a period of thirty days from the date of the report filed as required by section 20-102 of this Code, in the same form and condition as when purchased. (Code 1945, § 58-116.)

Sec. 20-105. Petition for approval of location of junk yard or motor vehicle salvage business.

No junk yard or motor vehicle salvage business shall be located

anywhere in the corporate or jurisdictional limits of the city, unless the operators thereof file with the city council a petition asking approval of the location thereof. (Code 1945, § 58-118.)

Sec. 20-106. Fence for junk yard or motor vehicle salvage business—Generally.

The operator of any junk yard or motor vehicle salvage business shall apply to the director of public improvements for a permit to construct a fence or enclosure on all portions of the junk area which abut on streets or roads within the corporate or jurisdictional limits of the city. Such fence or enclosure shall be of either metal or wood, which must be painted, through which there shall be no visibility, and which shall be from eight to ten feet in height or any lesser height which, in the judgment of the director of public improvements, will satisfactorily obscure accumulated junk or parts of motor vehicles, from view; provided, however, that if such fence is constructed of galvanized metal, acceptable to the director of public improvements, it shall not be required that such enclosure be painted. Upon the issuance of such a permit by the director of public improvements, the construction of such fence or enclosure, shall be commenced and completed within thirty days from the time of the beginning of its construction. (Code 1945, § 58-119; 11-8-57.)

Sec. 20-107. Same—Advertisements on.[3]

It shall be unlawful for any operator of a junk yard or motor vehicle salvage business to permit or allow the display upon any enclosure built as required by the preceding section, of any picture, sign, bill, placard, pamphlet, notice or any other thing for the purpose of advertisement or notification. It shall be permissible, however, for the operator of such business to place over the entrance way of such enclosure the name of the operator of the business, or the trade name, or the corporation name of such business for the purpose of identification and it shall also be permissible for the operator of such business to place upon any fence or enclosure which may abut on any street or road within the corporate or jurisdictional limits of the city, one sign, no larger than four feet by ten feet for the purpose of advertising such business or for the purpose of identification. (Code 1945, § 58-119; 11-8-57.)

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3. As to advertising generally, see Tit. 4.

Sec. 20-108. Junk not to be received at night.

No person shall receive or accept delivery of or take into possession, directly or indirectly, any junk within the jurisdictional limits of the city, except during daylight hours. (Code 1945, § 58-120.)

Sec. 20-109. Purchases from minors—Junk.

It shall be unlawful for any junk dealer or person connected with such business, or the operator of any junk-collecting vehicle, or any person connected therewith, to purchase junk from any person under twenty-one years of age. (Code 1945, § 58-122.)

Sec. 20-110. Same—Secondhand goods.

It shall be unlawful for any person within the jurisdictional limits of the city to buy from or exchange with any minor any secondhand or used merchandise of any kind or in any form, until such sale or exchange has been reported to and approved by the chief of police. (Code 1945, § 58-198.)

Sec. 20-111. Shipment of junk out of city.

No shipment shall be made by any person of junk from the city unless a report, in writing, has been made to the chief of police, stating when such shipment will be made and giving an accurate description of the junk so to be shipped and allowing, after the report, twenty-four hours for the inspection thereof by the police department. (Code 1945, § 58-123.)

Sec. 20-112. Junk-collecting vehicles — License fee, certificate and tag generally.

The operator of each vehicle used in the collection of articles of junk within the city shall be required to pay an annual license fee of one hundred dollars for each vehicle, the same to be paid as are other license fees provided for by the city council. Each person, upon paying such license fee, shall receive from the city treasurer a license certificate, upon which shall be entered a description of the vehicle, and a metal tag, which shall be marked "Junk Vehicle License No. ....." The tags shall be numbered consecutively from one upward and shall be securely fastened to the vehicle used.

Every junk dealer shall, upon paying his junk dealer's license

fee, be entitled to a vehicle license for one junk-collecting vehicle, and the license and tag shall be furnished him by the city treasurer, without additional charge. (Code 1945, § 58-124.)

Sec. 20-113. Same—Registration.

Upon the receipt of the metal tag under the preceding section; the owner of the vehicle licensed shall immediately register the same with the police department, giving the number of the tag and the name of the owner and operator of the vehicle, with a description of the vehicle. (Code 1945, § 58-125.)

Sec. 20-114. Same—Use of license and tag on another vehicle.

When a license and tag has been granted for one junk-collecting vehicle, the same shall not be used for another vehicle, except by authority of the council. (Code 1945, § 58-126.)

Sec. 20-115. Same—Operator's report.

The operator of every vehicle licensed under this title shall, upon every date that he operates such vehicle, make a written report to the chief of police, a description of all junk purchased or hauled by him during the day, with the name and address of the person from whom the same was received and the name and address of the person to whom it was delivered. (Code 1945, § 58-127.)

Sec. 20-116. Same—Operation at night.

No person operating a vehicle licensed under this title shall receive or accept delivery of or take into possession, directly or indirectly, any junk within the jurisdictional limits of the city, except during daylight hours. (Code 1945, § 58-128.)

Sec. 20-117. Record of purchases of secondhand jewelry.[4]

It shall be the duty of all jewelers and jewelry establishments in the city to keep a record, which shall give such a description of all secondhand jewelry, silverware, watches, and the like, purchased or received in exchange, as will make identification easy. In case the

4. For state law as to secondhand watches, see Ga. Code Ann., §§ 84-2702 to 84-2706.

purchase or exchange is a watch or other article having a number, the description shall state, among other things, such number. This record shall contain, in addition to the description, the names and addresses of parties from whom the secondhand jewelry, silverware, watches, and the like was received. Such records shall be open to inspection by the police whenever called for. (Code 1945, §§ 58-133, 58-134.)

Sec. 20-118. Retention of secondhand jewelry.

All secondhand jewelry, silverware, watches and the like, purchased or received in exchange shall be held by the purchaser for thirty days from the date of the purchase or exchange. (Code 1945, § 58-134.)

Sec. 20-119. Used bicycles—Report of purchases and exchanges.

All bicycle dealers, pawnbrokers,[5] junk dealers and all other persons who purchase or exchange used bicycles or used parts therefor, including used tires, shall report to the police department all such purchases or exchanges and from whom purchased or exchanged, with the number of the bicycle frame and the make of the bicycle. When used bicycle tires are purchased or exchanged, the make and number of the tires shall be given. Such report shall be made as soon as a sale or exchange is made. (Code 1945, §§ 58-141, 58-142.)

Sec. 20-120. Same—Retention.

Used bicycles or used parts therefor purchased or exchanged shall be held at least ten days after the report required by the preceding section is made, before the same is offered for sale. (Code 1945, § 58-142.)

Sec. 20-121. Same—Inspection by police.

The police department shall have the privilege of examining all stocks of used bicycles and sundries, including bicycle tires, for the purpose of locating stolen articles. (Code 1945, § 55-143.)

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5. As to pawnbrokers generally, see Tit. 25.

Sec. 20-122. Same—Bill of sale.

All persons selling or giving in exchange used bicycles, used parts therefor and used bicycle tires shall, at the time of the purchase or exchange, deliver to the purchaser a bill of sale, in writing, including therein the name of the maker and the serial number of the article sold or exchanged, if a used bicycle, and, if the article sold or exchanged is a used part therefor, or a used tire, such bill of sale shall contain an accurate description of such article, including the name of the maker thereof, if known, and, if such article has a serial number, the serial number thereof. All persons purchasing or taking in exchange any used bicycle or any used parts therefor, including used tires, shall require of the seller thereof an authentic and genuine bill of sale conveying the same to the seller or other positive proof of ownership of the seller, and unless the same is produced to the satisfaction of the purchaser, it shall then and there become unlawful to purchase or exchange for the used bicycle, or used part therefor, including used tires. (Code 1945, § 58-144.)

Sec. 20-123. Same—Purchase or exchange prohibited if serial number tampered with.

No bicycle dealer, pawnbroker, junk dealer or other person shall purchase or exchange any used bicycle or used bicycle frame, where the serial number has been filed off, defaced or otherwise tampered with. (Code 1945, § 58-145.)

Sec. 20-124. Parties exempt from regulatory provisions pertaining to junk and secondhand dealers.

Buyers, sellers, processors or manufacturers of old or secondhand ferrous and nonferrous metals who do not buy such metals in quantities less than one hundred pounds are not considered junk dealers or secondhand dealers and are excepted from the regulatory provisions of this Code and other ordinances of the city pertaining to such junk dealers and secondhand dealers. (12-20-57.)

TITLE 21.

MILK AND MILK PRODUCTS.[6]

§ 21-101. Rules and regulations constituting requirements for sanitation, examination, grading, labeling, etc.
§ 21-102. Adulterated, misbranded, etc., milk and milk products.
§ 21-103. Permits generally—Required.
§ 21-104. Same—Who entitled to receive.
§ 21-105. Same—Transfer.
§ 21-106. Same—Suspension or revocation.
§ 21-107. Same—Reinstatement.
§ 21-108. Inspection of dairies and plants.
§ 21-109. Producers and distributors to give health officer access to premises and furnish certain information.
§ 21-110. Examination of samples.
§ 21-111. Grades which may be sold.
§ 21-112. Special provisions relative to chocolate milk.
§ 21-113. Transferring or dipping milk.
§ 21-114. Storage in hotels, restaurants, etc.
§ 21-115. Mixing of homogenized and nonhomogenized products.

Sec. 21-101. Rules and regulations constituting requirements for sanitation, examination, grading, labeling, etc.

The rules and regulations adopted by the Chatham County board of health and adopted by ordinance of the mayor and aldermen of the city, shall constitute the requirements for sanitation, examination, grading, labeling, pasteurizing, distributing and selling of milk and milk products as required therein and for the operation of dairies and milk processing plants.

Sec. 21-102. Adulterated, misbranded, etc., milk and milk products.

No person shall, within the city or its police jurisdiction, produce,

6. For state law as to dairies and dairy products generally, see Ga. Code Ann., §§ 42-501 to 42-522.5. As to milk control board, see Ga. Code Ann., §§ 42-523 to 42-556. As to authority of cities to establish standards for milk and milk products sold within their limits, see Ga. Code Ann., § 42-522.5.

As to food and food establishments generally, see Tit. 15. As to public health and sanitation generally, see Tit. 29.

sell, offer or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated, misbranded or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in his possession any adulterated, misbranded or ungraded milk or milk product.

Adulterated, misbranded and improperly labeled ungraded milk or milk products may be impounded by the health officer and disposed of in accordance with state law. (2-8-52, § 2.)

Sec. 21-103. Permits generally—Required.

It shall be unlawful for any person to bring into, send into or receive into the city or its police jurisdiction, for sale, or to sell or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk products, unless he possesses a permit so to do from the health officer.

Every milk producer, milk distributor and operator of a milk plant shall secure a permit. (2-8-52, § 3.)

Sec. 21-104. Same—Who entitled to receive.

Only a person who complies with the requirements of this title shall be entitled to receive and retain a permit required by the preceding section. (2-8-52, § 3.)

Sec. 21-105. Same—Transfer.

Permits required by section 21-103 of this Code shall not be transferable with respect to persons or locations. (2-8-52, § 3.)

Sec. 21-106. Same—Suspension or revocation.[7]

A permit required by section 21-103 of this Code may be temporarily suspended by the health officer upon violation by the holder of any terms of this title, or for interference with the health officer in the performance of his duties, or revoked after an opportunity for a hearing by the health officer, upon serious or repeated violations. (2-8-52, § 3.)

7. For state law authorizing cities to revoke or cancel milk permits, see Ga. Code Ann., § 42-522.5.

Sec. 21-107. Same—Reinstatement.

Any producer or distributor of milk or milk products, whose permit has been suspended, may at any time make application for the reinstatement of his permit.

Upon receipt of a satisfactory application for reinstatement of the permit, based on correction of a violation of any bacteriological or cooling temperature standard, the health officer shall take further samples at the rate of not more than two per week, and shall approve the application upon compliance with the grade requirements, as determined in accordance with section 21-110 of this Code; provided, that if samples are not available because of suspension of the permit to operate, or for other reasons, the health officer may issue a temporary permit, upon satisfying himself by inspection of the facilities and the operating methods that the conditions responsible for the violation have been corrected, with final reinstatement of the permit conditional upon subsequent bacteriological or temperature findings.

In case the permit suspension was due to a violation of an item other than bacteriological standards or cooling temperature, the application must be accompanied by the statement signed by the applicant to the effect that the violated item of the specifications has been conformed with. Within one week of the receipt of such an application and statement, the health officer shall make a reinspection of the applicant's establishment and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the requirements, and, in case the findings justify, shall reinstate the permit. (2-8-52, § 9.)

Sec. 21-108. Inspection of dairies and plants.

Prior to the issuance of a permit and at least once every six months thereafter, the health officer shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within the city or its police jurisdiction. In case the health officer discovers the violation of any requirement, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of three days, and the second inspection shall be used in determining compliance with the grade requirements of this title. Any violation of the same requirement of this title on such reinspection shall call for immediate suspension of permit or court action.

One copy of the inspection report shall be posted by the health officer in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and such report shall not be defaced or removed by any person, except the health officer. Another copy of the inspection report shall be filed with the records of the health department. (2-8-52, § 5.)

Sec. 21-109. Producers and distributors to give health officer access to premises and furnish certain information.

Every milk producer and distributor shall, upon the request of the health officer, permit him access to all parts of the establishment, and every distributor shall furnish the health officer, upon his request, for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, together with a list of all sources, records of inspections and tests, and recording thermometer charts. (2-8-52, § 5.)

Sec. 21-110. Examination of samples.

During each six-month period, at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the health officer. Samples of other milk products may be taken and examined by the health officer as often as he deems necessary. Samples may be taken by the health officer at any time prior to the final delivery of the milk or milk products. Samples of milk and milk products from stores, cafes, soda fountains, restaurants and other places where milk or milk products are sold shall be examined as often as the health officer may require. All proprietors of such places shall furnish the health officer, upon his request, with the names of all distributors from whom their milk and milk products are obtained. Bacterial plate counts, direct microscopic counts, reduction tests, coliform determinations, phosphatase tests and other laboratory tests shall conform to the procedures in the current edition of "Standard Methods for the Examination of Dairy Products", recommended by the American Public Health Association. Examinations may include such other chemical and physical determinations as the health officer may deem necessary for the detection of adulteration. Bioassays of the vitamin D content of vitamin D milk shall be made when required by the health officer in a laboratory approved by him for such examinations.

Whenever the average bacterial count, the average reduction time, the average cooling temperature or the average coliform count falls beyond the limit for the grade then held, the health officer shall send written notice thereof to the person concerned and shall take an additional sample, but not before the lapse of three days, for determining a new average. Violation of the grade requirements by the new average or by any subsequent average during the remainder of the current six-month period shall call for immediate suspension of the permit or court action, unless the last individual result is within the grade limit.

In case of violation of the phosphatase test requirement, the cause of underpasteurization shall be determined, if possible, and removed before milk or milk products from this plant can again be sold as pasteurized milk or milk products. (2-8-52, § 6.)

Sec. 21-111. Grades which may be sold.

No milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores or similar establishments, except certified pasteurized and grade A pasteurized. (2-8-52, § 8.)

Sec. 21-112. Special provisions relative to chocolate milk.

Chocolate milk drink shall be made of fresh fluid skim milk. The finished product shall contain not less than two per cent milk fat. The product shall be labeled grade A. The bacteria count and all other sanitary requirements shall be the same as for grade A pasteurized milk. (7-24-53, § 2.)

Sec. 21-113. Transferring or dipping milk.

Except as permitted in this title, no milk producer or distributor shall transfer milk or milk products from one container to another on the street or in any vehicle or store or in any place, except a bottling or milk room especially used for that purpose. The sale of dip milk is hereby prohibited. (2-8-52, § 10.)

Sec. 21-114. Storage in hotels, restaurants, etc.

It shall be unlawful for any hotel, soda fountain, restaurant, grocery, hospital or similar establishment to sell or serve any milk or milk product, which has not been maintained, while in its

possession, at a temperature of fifty degrees Fahrenheit, or less. If milk or milk products in nonleakproof containers are stored in water for cooling, the pouring lip of the containers shall not be submerged. (2-8-52, § 10.)

Sec. 21-115. Mixing of homogenized and nonhomogenized products.

Homogenized milk or homogenized cream shall not be mixed with milk, skim milk or cream which has not been homogenized, unless the product is labeled "homogenized". (2-8-52, § 10.)

TITLE 22.

MOTOR VEHICLES AND TRAFFIC.[9]

Chap.
22-1. In General, §§ 22-101 to 22-155.
22-2. Parking Meters, §§ 22-201 to 22-215.
22-3. Parking Regulations for Specific Streets, §§ 22-301 to 22-356.
22-4. Isolated Stop Intersections, §§ 22-401, 22-402.

Chapter 22-1. In General.

§ 22-101. Adoption of state law.
§ 22-102. Duties of planning commission relative to traffic.
§ 22-103. Temporary traffic regulations.
§ 22-104. Automobile dealers—Report of sales.

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9. For state law authorizing cities to adopt traffic regulations generally, see Ga. Code Ann., §§ 68-1607, 68-1680, 68-1728.

For special legislative provisions relative to the use of Ellis Square for parking, see §§ 1-801 to 1-803. For provisions relative to the appointment of a traffic expert, see § 1-1101. As to authority of city to inspect vehicles and require drivers' permits, see § 1-1102.

For ordinance provisions as to permit to park vehicles for advertising purposes, see § 4-101. As to trucking in cemeteries, see § 10-146. As to transportation of calcium carbide, see § 14-106. As to parking and storing vehicles used for the delivery of liquefied petroleum gas, see § 14-406. For regulations concerning motor vehicle salvage businesses, see §§ 20-105 et seq. As to license fee, registration, etc., of junk-collecting vehicles, see §§ 20-112 to 20-116. As to use of lanes for thoroughfares, see § 30-112. As to taxicabs and other vehicles for hire, see Tit. 33.

§ 22-105. Same—Report of purchases of used cars.
§ 22-106. Obedience to traffic-control devices.
§ 22-107. Traffic-control lights.
§ 22-108. Duty to obey traffic officers.
§ 22-109. Authority to prohibit parking.
§ 22-110. Vehicles not to obstruct streets and free passage of persons.
§ 22-111. Parking in alleys or lanes.
§ 22-112. Double parking prohibited.
§ 22-113. Parking of trucks prohibited—Between 8:00 P. M. and 6:00 A. M.
§ 22-114. Same—On Sundays and holidays.
§ 22-115. Speed limits.
§ 22-116. Driving on sidewalks—Generally.
§ 22-117. Same—Upon emerging from alleys, driveways, etc.
§ 22-118. Driving on streets during fires.
§ 22-119. Reckless driving—Defined.
§ 22-120. Same—Prohibited.
§ 22-121. Driving through processions generally.
§ 22-122. Driving through funeral processions.
§ 22-123. Operation of vehicles near churches and hospitals.
§ 22-124. Hitching or climbing onto moving vehicles.
§ 22-125. Racing motors prohibited.
§ 22-126. Through streets—Designated.
§ 22-127. Same—Duty to stop before entering.
§ 22-128. Same—Intersection with each other.
§ 22-129. Yield-right-of-way signs.
§ 22-130. One-way streets—Designated.
§ 22-131. Same—Vehicles to move only in direction indicated; exception.
§ 22-132. Right turns on red.
§ 22-133. Left turns prohibited—At Bay and Water Streets.
§ 22-134. Same—At Liberty and East Broad Streets.
§ 22-135. Same—At Bull and Broughton Streets.
§ 22-136. Same—At Barnard and Broughton Streets.
§ 22-137. Reverse turns prohibited on Broughton Street.
§ 22-138. Use of Congress Street Lane restricted to commercial vehicles.
§ 22-139. Use of Broughton Street Lane restricted to commercial vehicles.
§ 22-140. Commercial vehicles prohibited on Bull Street; exception.
§ 22-141. Railroad irons, poles, etc., to be transported lengthwise.
§ 22-142. Wreckers near accidents.
§ 22-143. Bicycles—Riders not to hold onto other vehicles.
§ 22-144. Same—Riding on sidewalks.
§ 22-145. Same—Lights.
§ 22-146. Same—Multiple riders.
§ 22-147. Same—Parking space on Bryan Street.

§ 22-148. Repairing vehicles on streets.
§ 22-149. Minimum fines for traffic violations generally.
§ 22-150. Failure to obey notice of parking violation.
§ 22-151. Penalty for parking violations which obstruct traffic.
§ 22-152. Impoundment of illegally parked vehicles.
§ 22-153. Relief from penalty for parking violation.
§ 22-154. Policemen not to receive money for traffic violations.
§ 22-155. Violations where accident has happened.

Sec. 22-101. Adoption of state law.[1]

The following enumerated sections of the Code of Georgia Annotated, constituting parts of the Uniform Act Regulating Traffic on Highways, are hereby adopted and incorporated by reference in this title:

Sections 68-1501 through 68-1504, with the exception of subsection (1) of section 68-1503 and sections 68-1601 through 68-1605, 68-1610(c), 68-1615 through 68-1623, 68-1625, 68-1626(a), 68-1629, 68-1631, 68-1633 through 68-1642, 68-1644 through 68-1654, 68-1656 through 68-1661, 68-1663, 68-1664, 68-1666 through 68-1670, 68-1672 through 68-1674 and 68-1677 through 68-1725; provided, however, that the words "chief of police and members of Savannah police department" shall be substituted for the words "the director and members of the state highway patrol" in section 68-1724 and the words "chief of police and authorized member of the Savannah police department" shall be substituted for the words "the director or an authorized officer or employee of the department" in section 68-1725. (7-8-55, § 2.)

Sec. 22-102. Duties of planning commission[2] relative to traffic.

The Savannah Metropolitan Planning Commission, as established by Georgia Laws, 1955, page 2535, is hereby authorized and directed:

(a) To determine the installation, proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents, to devise remedial measures, to conduct engineering in-

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1. For state law authorizing the city to adopt all or any portion of the Uniform Act Regulating Traffic on Highways, see Ga. Code Ann., § 68-1680.

2. For special legislative provisions relative to the planning commission, see §§ 1-1606 to 1-1619.

vestigations of traffic conditions and to improve city traffic conditions.

(b) To place and maintain traffic-control devices, signs and signals, as directed under the ordinances of the city, and to recommend to the mayor and aldermen ordinances needed to improve or regulate traffic.

(c) To determine those intersections at which drivers of vehicles shall not make a right, left or "U" turn and, after an appropriate ordinance is passed, to place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event, the same shall be plainly indicated on the signs or the signs may be removed when such turns are permitted; all as provided by an ordinance to be recommended by the commission and passed by the council.

(d) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway and at such other places as it may deem necessary.

(e) To establish safety zones of such kind and character and at such places as it may deem necessary for the protection of pedestrians.

(f) To mark lanes for traffic on street pavements at such places as it may deem advisable, consistent with this title and other traffic ordinances of the city.

(g) To place and maintain a stop sign on each and every street intersecting any street, or portion of street, designated as a boulevard by this title or other ordinance of the city.

(h) To determine and recommend that an ordinance designate intersections where particular hazards exists upon other than through streets and that an ordinance determine whether vehicles shall stop at one or more entrances to any such stop intersection, and the commission shall erect a stop sign at every such place where a stop is required, after an appropriate ordinance.

(i) To determine upon what streets angle parking shall be permitted and to mark or sign such streets, but such angle parking shall not be indicated upon any federal-aid or state highway within the city, unless the state highway commission has determined, by a resolution or order entered in its minutes, that the roadway is of sufficient width to permit angle parking, without interferring with the free movement of traffic.

(j) To determine and recommend that an ordinance require the designation, by proper signs or markings, of places in which the

stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(k) To determine and designate after approval of council, the location of passenger and freight curb loading zones, and to place and maintain appropriate signs indicating the same.

(l) To establish and maintain semiannually in the office of the clerk of the council two official maps of the city, on one of which is shown all current effective traffic-control devices, and on the other, all registered loading zones.

For the purposes of this section, a "traffic-control device" shall be any sign, signal, marking or device placed or erected by authority of a public body for the purpose of regulating, warning or guiding traffic. (6-10-55.)

Sec. 22-103. Temporary traffic regulations.

In cases where traffic upon the streets of the city becomes congested and upon occasions of parades and at theatres and other public assemblages where large numbers of vehicles are assembled, the police authorities of the city may make temporary rules regulating the traffic in such congested districts and any person who, after being warned of such temporary traffic regulations by a police officer, refuses to comply with such regulations shall be guilty of violating the title. (Code 1945, § 59-134.)

Sec. 22-104. Automobile dealers—Report of sales.

It shall be the duty of every automobile dealer in the city, who sells any automobile or other motor vehicle to any person in the city or county to immediately notify, in writing, the chief of police of such sale. Such notice shall contain the name and address of the purchaser and a description of the vehicle. (8-8-47, § 1.)

Sec. 22-105. Same—Report of purchases of used cars.

Every automobile dealer in the city shall notify the chief of police of all purchases of used cars effected within the corporate limits of the city and shall furnish the chief of police the name of the person from whom such dealer purchased such automobile, the date of purchase and a brief description of the automobile, including the motor number thereof. Reports of such purchases shall be made immediately upon the purchase, as prescribed by the chief of police. (8-8-47, § 1.)

Sec. 22-106. Obedience to traffic-control devices.[3]

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto, placed in accordance with this title and other ordinances of the city, unless otherwise directed by a police officer.

For the purposes of this section, a traffic-control device shall be any sign, signal, marking or device placed or erected by authority of a public body for the purpose of regulating, warning or guiding traffic. (6-10-55.)

Sec. 22-107. Traffic-control lights.

(a) The city electrician shall place and maintain traffic-control signals at the intersections listed in paragraph (d) of this section.

(b) The city traffic engineer shall specify the timing and other adjustments and shall order changes therein from time to time as needed to accommodate traffic conditions.

(c) All traffic proceeding in any direction at such intersections shall be controlled by the traffic-control lights during such times as they are in operation, and when they are not in operation, the applicable ordinances of the city relating to traffic at these intersections shall control.

(d) Traffic-control signals shall control traffic at the following intersections in accordance with the provisions of this section:

1. 31st Street and Henry Street at Skidaway Road
2. 37th Street and Abercorn Street
3. 37th Street and Bee Road
4. 37th Street and Barnard Street
5. 37th Street and Bull Street
6. 37th Street and Drayton Street
7. 37th Street and East Broad Street
8. 37th Street and Habersham Street
9. 37th Street and Harmon Street
10. 37th Street and Jefferson Street
11. 37th Street and Lincoln Street
12. 37th Street and Montgomery Street
13. 37th Street and Price Street
14. 37th Street and Waters Avenue

3. For similar state law, see Ga. Code Ann., § 68-1612. For state law as to authority of cities to regulate traffic by means of traffic-control signals, see Ga. Code Ann., § 68-1607.

15. 37th Street and West Broad Street
16. 37th Street and Whitaker Street
17. 43rd Street and Victory Drive at Bull Street
18. 58th Street, Delesspes Avenue and Waters Avenue
19. Abercorn Street and Anderson Street
20. Abercorn Street and Broughton Street
21. Abercorn Street and Henry Street
22. Abercorn Street and Victory Drive
23. Alva Boulevard and Bay Street Extension
24. Anderson Street and Barnard Street
25. Anderson Street and Bee Road
26. Anderson Street and Bull Street
27. Anderson Street and Drayton Street
28. Anderson Street and East Broad Street
29. Anderson Street and Habersham Street
30. Anderson Street and Harmon Street
31. Anderson Street and Jefferson Street
32. Anderson Street and Lincoln Street
33. Anderson Street and Montgomery Street
34. Anderson Street and Paulsen Street
35. Anderson Street and Price Street
36. Anderson Street and Waters Avenue
37. Anderson Street and Whitaker Street
38. Anderson Street and West Broad Street
39. Barnard Street and Broughton Street
40. Barnard Street and Henry Street
41. Bay Street and Bull Street
42. Bay Street and Carolan Street
43. Bay Street and Drayton Street
44. Bay Street and East Lathrop Avenue
45. Bay Street and Lincoln Street
46. Bay Street and Montgomery Street
47. Bay Street and West Lathrop Avenue
48. Bay Street and West Broad Street
49. Bee Road and Henry Street
50. Bee Road and Victory Drive
51. Bee Road and Wheaton Street
52. Berrien Street and West Broad Street
53. Bonaventure Road, Skidaway Road and Pennslyvania Avenue
54. Broughton Street and Bull Street
55. Broughton Street and Drayton Street
56. Broughton Street and Habersham Street

57. Broughton Street and Jefferson Street
58. Broughton Street and Montgomery Street
59. Broughton Street and Price Street
60. Broughton Street and West Broad Street
61. Broughton Street and Whitaker Street
62. Bull Street and Henry Street
63. Columbus Drive and Habersham Street
64. Drayton Street and Gaston Street
65. Drayton Street and Henry Street
66. Drayton Street and Oglethorpe Avenue
67. Drayton Street and Liberty Street
68. East Broad Street and Henry Street
69. East Broad Street and Gwinnett Street
70. East Broad Street and Liberty Street
71. East Broad Street and President Street
72. East Lathrop Avenue and Louisville Road
73. Gaston Street and Whitaker Street
74. Gwinnett Street and Jones Street
75. Gwinnett Street and Montgomery Street
76. Gwinnett Street and Pennsylvania Avenue
77. Gwinnett Street and Stiles Avenue
78. Gwinnett Street and West Boundary Street
79. Gwinnett Street and West Broad Street
80. Habersham Street and Henry Street
81. Habersham Street and Oglethorpe Avenue
82. Habersham Street and Liberty Street
83. Habersham Street and Washington Avenue
85. Harmon Street and Henry Street
86. Harmon Street and Wheaton Street
87. Henry Street and Jefferson Street
88. Henry Street and Lincoln Street
89. Henry Street and Montgomery Street
90. Henry Street and Price Street
91. Henry Street and Waters Avenue
92. Henry Street and West Broad Street
93. Henry Street and Whitaker Street
94. Liberty Street and Montgomery Street
95. Liberty Street and West Broad Street
96. Liberty Street and Wheaton Street and Randolph Street
97. Liberty Street and Whitaker Street
98. Louisville Road and Stiles Avenue
99. Montgomery Street and Mills "B" Lane Avenue

100. Montgomery Street and Oglethorpe Avenue
101. Montgomery Street and Whatley Street
102. Montgomery Street and Victory Drive
103. Oglethorpe Avenue and Price Street
104. Oglethorpe Avenue and West Broad Street
105. Oglethorpe Avenue and Whitaker Street
106. Paulsen Street and Victory Drive
107. Pennsylvania Avenue and Jones Street
108. Reynolds Street and Victory Drive.
109. Skidaway Road and Victory Drive.
110. In the Victory Drive Traffic lane at a location approximately four hundred and seventy-five feet.

(Code 1945, § 59-247; 4-4-47, § 5; 6-17-49; 7-1-49; 7-29-49; 8-26-49; 2-24-50; 3-10-50; 5-19-50; 7-14-50; 8-25-50; 10-6-50; 11-3-50; 12-1-50; 12-15-50; 5-4-51; 7-27-51; 8-24-51; 11-16-51; 4-18-52; 5-30-52; 10-31-52; 1-25-53; 4-2-53; 3-19-54; 6-10-55; 9-16-55; 3-16-56; 5-25-56; 7-20-56; 9-14-56; 12-7-56; 12-6-57.)

Sec. 22-108. Duty to obey traffic officers.[4]

Traffic officers may be placed at the intersection of streets and on streets near public schools, theatres and other like places to direct the traffic on such streets and it shall be the duty of all persons to obey the direction of such traffic officers. (Code 1945, § 59-135.)

Sec. 22-109. Authority to prohibit parking.

The mayor and aldermen are authorized, directed and empowered to prohibit parking in any area in the city whenever, in their judgment, it is necessary to do so for the purpose of clearing traffic for busses discharging and taking on passengers or to establish taxicab stands[5] or to establish safety zones, or when such action is in the interest of public safety; provided, however, that no taxistands shall be permitted on Broughton Street between West Broad and East Broad Streets. (Code 1945, § 59-205; 12-1-50, § 1.)

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4. For state law authorizing cities to regulate traffic by means of police officers, see Ga. Code Ann., § 68-1607.
5. As to taxicab stands generally, see § 33-211.

Sec. 22-110. Vehicles not to obstruct streets and free passage of persons.[6]

No vehicle shall be allowed to remain upon or be driven through any street of the city so as to blockade or obstruct the street. Whenever a vehicle becomes stalled upon a street or when, because of damage or other reason, it cannot be moved by its own power and consequently blockades the street or interferes with the use of the same by other vehicles, it shall be the duty of its owner and its operator to remove the same by towing or otherwise, as expeditiously as possible.

It shall be unlawful for any person to obstruct by any vehicle, the free passage of persons through any street or other thoroughfare in the city, or the free access of any person to his property or to any sidewalk in the city. (Code 1945, §§ 53-207, 59-130.)

Sec. 22-111. Parking in alleys or lanes.

There shall be no parking of automobiles, trucks or other vehicles in any lane or alleyway in the city at any time; provided, however, that trucks or other vehicles shall be permitted to stop temporarily in the alleys or lanes of the city for the purpose of delivering, loading or unloading merchandise, supplies and freight, but they shall depart therefrom as soon as the mission is completed. Also, temporary parking or stopping of any motor vehicle used in connection with installation or repair or work upon any public service facility located on, over or under any alley or lane in the city, shall, wherever necessary for those purposes, be permitted on such alley or lane. (Code 1945, § 59-242.)

Sec. 22-112. Double parking prohibited.

The parking of two or more vehicles abreast of each other is prohibited upon all streets in the city. (Code 1945, § 59-130.)

Sec. 22-113. Parking of trucks prohibited—Between 8:00 P. M. and 6:00 A. M.

It shall be unlawful for any person to park or cause to be parked any commercial vehicle or truck of more than three-fourths of a ton in weight upon any public thoroughfare in the city between the hours

6. As to street obstructions generally, see § 30-122.

of 8:00 P. M. and 6:00 A. M.; provided, however, that nothing contained herein shall prohibit reasonable parking where it is necessary to make deliveries to stores or residences of lawful commodities, nor shall this section apply to any wrecked vehicle or vehicle with mechanical difficulties making it impossible to move, but, in such an event, either a flare or light should be burnt in order to avoid collision by any person or vehicle which might be upon the streets during such hours. (3-6-53, §§ 2, 3.)

Sec. 22-114. Same—On Sundays and holidays.

It shall be unlawful for any person to park or cause to be parked any commercial vehicle or truck upon any street in the city on Sundays and holidays; provided, however, that this section shall apply only to vehicles of more than three-quarters of a ton in weight. (3-6-53, §§ 2, 3.)

Sec. 22-115. Speed limits.[7]

The provisions of Georgia Code Annotated, Chapter 68-16 regulating the speed of vehicles shall be applicable upon all streets within the city, except as this section, as authorized by state law, hereby declares and determines, upon the basis of an engineering and traffic investigation previously made, that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this section when signs are in place giving notice thereof.

(a) The speed limit shall be twenty-five miles per hour on all streets bounded on the south by the south line of Gaston Street, on the north by the Savannah River and on the east by the east line of East Broad Street, and on the west by the east line of West Boundary Street, with the exception of streets therein for which other speed limits are specified in this section.

(b) The speed limit shall be twenty-five miles per hour on Abercorn Street between Gaston Street and Victory Drive.

(c) The speed limit shall be thirty miles per hour on the following streets:

7. For state law authorizing cities to establish speed limits, see Ga. Code Ann., § 68-1628.

As to speed limit in cemeteries, see § 10-144. As to speed governors for taxicabs and other vehicles for hire, see §§ 33-102 to 33-106.

1. Abercorn Street between Victory Drive and Columbus Drive.
2. Drayton Street between Liberty Street and Gaston Street.
3. Price Street between Liberty Street and Gaston Street.
4. Whitaker Street between Liberty Street and Gaston Street.

(d) The speed limit shall be 40 miles per hour on the following streets:

1. Whatley Avenue from Montgomery to 52nd Street and 52nd from Whatley Avenue west to the city limits.

(e) The speed limit shall be forty-five miles per hour on the following streets.

1. Any part or parts of President Street East of the Bilbo Sewer and within the City of Savannah. (1-31-58.)

Sec. 22-116. Driving on sidewalks—Generally.

No vehicle shall be driven upon or within any sidewalk area, except at and upon driveways crossing the sidewalk, nor shall vehicles be parked at any time upon any sidewalk area, including driveways across the same. For the purposes of this section, the sidewalk area shall include all of that space between the curb lines or the lateral lines of the roadway and the adjacent property lines. (Code 1945, § 59-250; 8-6-54.)

Sec. 22-117. Same—Upon emerging from alleys, driveways, etc.[8]

When any vehicle shall emerge from a lane, alley, driveway, garage or any other place upon a sidewalk, the driver thereof must sound a strong blast of the horn on the vehicle immediately before crossing the sidewalk and must then exercise special care in driving across the same. (Code 1945, § 59-249.)

Sec. 22-118. Driving on streets during fires.[9]

It shall be unlawful for any person to drive or propel a vehicle or ride through any street or lane in which the fire department or a part thereof is assembled for the purpose of extinguishing fires, except by the permission of the officer in command of the fire department. (Code 1945, § 27-118.)

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8. For state law requiring a stop before crossing a sidewalk from a driveway or alley, see Ga. Code Ann., § 68-1666.

9. As to obstructing streets when the same are in use by members of the fire department, see § 14-209.

Sec. 22-119. Reckless driving—Defined.

The term "reckless", as used in the following section, shall be defined to include the following:

(a) The operation of an automobile at a speed in excess to that fixed by the municipal authorities of the city.

(b) The failure to bring a motor vehicle to a full stop before crossing any boulevard where there is a stop sign.

(c) The failure to observe traffic signals and to cross or attempt to cross where a red stop light is on at the time, or to cross on any street in face of a stop sign before having brought the automobile to a full and complete stop.

(d) The weaving and driving of an automobile from one traffic lane into another, except where it is necessary to pass an automobile in the same direction and where the same can be done without endangering the safety of other vehicles or pedestrians in the street at the time.

(e) The failure to observe the rules of the road.

(f) The unnecessary and loud blowing of horns and sirens, except where it is necessary for the safety and security of the person driving the automobile.

(g) Driving on the wrong side of the street.

(h) Backing into a parking space or driving out of a parking space in a negligent manner where, under the circumstances the lives and property of other persons or vehicles in the street are endangered.

(i) Crossing a yellow line in the center of the street where the same is prohibited by traffic regulations or ordinances of the city.

(j) Racing or driving fast in a negligent manner on any street in the city, even within the speed limits, where traffic conditions at the time require a lower rate of speed.

(k) Driving an automobile in a gross and negligent manner, or at a speed greater than fixed by municipal ordinances, when passing in a school or hospital zone, and where such acts tend to endanger the lives of persons or the security of property at the time and place.

(l) Any driving of any automobile on any of the streets of the city in a wanton, wilful or negligent manner, without having the automobile under control at a time when traffic conditions warrant and require a lower rate of speed and greater precaution to insure the safety, of others lawfully in the street.

(m) Taking away the right of way of an approaching vehicle.

(n) Driving on a street in a direction other than that fixed by the ordinances of the city.

(o) Driving or operating an automobile upon the sidewalks of the city or through a park or square, except that the same shall not apply to fire engines, police vehicles or ambulances in the performance of their duties.

(p) Driving or operating an automobile upon the streets of the city without proper lights or brakes.

(8-20-54, § 2.)

Sec. 22-120. Same—Prohibited.

It shall be unlawful for any person to operate or cause to be operated any motor vehicle within the corporate limits of the city in a reckless manner. (8-20-54, § 1.)

Sec. 22-121. Driving through processions generally.

No vehicle shall be driven through a parade or other procession without permission from a police officer. (Code 1945, § 59-130.)

Sec. 22-122. Driving through funeral processions.

No vehicle shall be driven through a funeral procession; provided, however, that this does not apply to fire apparatus or ambulances engaged in answering an emergency call or an ambulance engaged in transporting an injured person to a hospital. (Code 1945, § 59-130.)

Sec. 22-123. Operation of vehicles near churches and hospitals.

The driver of all vehicles approaching, from any direction, places of public worship during the hours of worship or hospitals located within the city, shall avoid creating any noise which would disturb those engaged in public worship or the sick confined to such hospitals. (Code 1945, § 59-130.)

Sec. 22-124. Hitching or climbing onto moving vehicles.

No person shall hitch or climb onto any moving vehicle, either with or without the consent of its operator. (Code 1945, § 59-130.)

Sec. 22-125. Racing motors prohibited.[1]

It shall be unlawful for any person within the corporate limits of the city to disturb the neighborhood by noise in indulging in what is termed the racing of automobile or motorcycle engines or motors. (Code 1945, § 59-130.)

Sec. 22-126. Through streets[2]—Designated.

The following streets in the city are hereby designated as through streets and all vehicles are required to stop before entering or crossing the same:

1. Abercorn Street from Gaston Street to southern city limit
2. Anderson Street from Cuyler Street to Whitney Street
3. Augusta Avenue from East Lathrop Avenue to Bay Street Extension
4. Barnard Street from Gaston Street to Victory Drive
5. Bay Street from Randolph to western city limit
6. Bee Road from Wheaton Street to Victory Drive
7. Bonaventure Road from Skidaway Road to Levy Avenue
8. Broughton Street from West Broad to Randolph Street with exception of East Broad Street
9. Bull Street from Park Avenue to southern city limit
10. Columbus Drive from Bull Street to Waters Avenue except at its intersection with Abercorn Street
11. De Lesseps Avenue from Waters Avenue to its easterly end
12. Drayton Street from Victory Drive to Bay Street
13. East Broad Street from Bay Street to Victory Drive
14. Garrard Avenue from President Street to Skidaway Road except at its intersection with Gwinnett Street
15. Gwinnett Street from West Broad Street to Stiles Avenue
16. Habersham Street from Gaston Street to DeRenne Avenue
17. Harmon Street from Wheaton Street to 44th Street Lane except at its intersection with Gwinnett Street
18. Henry Street from Skidaway Road to Magnolia Street
19. Jefferson Street from Bay Street to Victory Drive except at its intersections with Oglethorpe Avenue and Liberty Street
20. Liberty Street

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1. As to noise generally, see Tit. 23.
2. For state law authorizing cities to designate through streets and require vehicles to stop before crossing or entering the same, see Ga. Code Ann., § 68-1607.

21. Liberty Avenue from Pennsylvania Avenue to President Street
22. Lincoln Street from Victory Drive to Liberty Street and from Oglethorpe Avenue to Bay Street except at its intersections with Oglethorpe Avenue and Broughton Street
23. Montgomery Street
24. Ogeechee Road from Anderson Street to southern city limit
25. Oglethorpe Avenue from West Boundary Street to Randolph Street except at its intersection with East Broad Street
26. Paulsen Street from Anderson to 60th Street with the exception of Washington Avenue and Columbus Drive
27. Pennsylvania Avenue from President Street to Skidaway Road
28. President Street from East Broad to eastern city limit
29. Price Street from Bay Street to Victory Drive
30. Reynolds Street from 40th Street to southern city limit except its intersection with Washington Avenue and Columbus Drive
31. Skidaway Road from Gwinnett Street to southern city limit
32. Victory Drive from Ogeechee Road to eastern city limit
33. Washington Avenue from Bull Street to Waters Avenue except its intersection with Abercorn Street
34. Waters Avenue from Wheaton Street to southern city limits
35. West Boundary Street from Talmadge Memorial Bridge to Gwinnett Street
36. Whatley Avenue
37. West Broad Street from Bay Street to Whatley Avenue
38. Wheaton Street from Randolph Street to Skidaway Road
39. Whitaker Street from Bay Street to Victory Drive
40. York Street from Montgomery Street to Talmadge Bridge
41. 52nd Street from Whatley Avenue to western city limit

(Code 1945, §§ 59-151 to 59-158, 59-162, 59-163, 59-174, 59-175, 59-177, 59-182, 59-195; 10-6-50, § 1; 2-8-52, § 1; 2-6-53, § 1; 2-20-53, §§ 1, 2; 4-2-54, § 1; 8-19-55, § 1; 12-9-55, § 2; 8-17-56, § 1; 10-26-56, §§ 1-3.)

Sec. 22-127. Same—Duty to stop before entering.

No person shall operate or drive any vehicle across or into any street designated as a through street by this title or any other ordinance of the city from a street intersecting such through street, without first bringing the vehicle to a complete stop; provided, however, that this section shall not apply to intersections where traffic is being directed by an officer of the police department or where traffic is directed by a traffic-control device or sign, in both of which cases the traffic officer or control device shall be obeyed.

Sec. 22-128. Same—Intersection with each other.

At any point at which any of the through streets designated in this title intersect with each other, traffic shall be governed by a traffic-control device or sign, and it shall be the duty of the driver of every vehicle to obey such traffic-control device or sign.

Sec. 22-129. Yield-right-of-way signs.[3]

The following intersections are designated as "yield-right-of-way" intersections, and vehicles facing a "yield-right-of-way" sign are required to yield the right-of-way to other vehicles:

1. Yield for Abercorn:
   Byran, Congress, State, President, York, Harris, Charlton, Taylor and Gordon Streets
2. Yield for Barnard:
   Byran, Congress, State, York, Hull, Perry, Harris, Charlton, Taylor and Gordon Streets
3. Yield for Bull:
   Byran, Congress, State, York, Hull, Perry, Harris, Taylor and Gordon Streets
4. Yield for East Broad:
   Oglethorpe Avenue (eastbound only)
5. Yield for Gordon Avenue:
   Edgewood Avenue
6. Yield for Habersham Street:
   Byran, Congress, State, York, Harris, Charlton, Taylor, Gordon and St. Julian Streets
7. Yield for Monterey Street:
   Cumberland Drive, Oakview and Sylvan Drive
8. Yield for Ott Street:
   33rd Street
9. Yield for Skidaway Road and Wheaton Street:
   Gwinnett Street
10. Yield for Victory Drive:
    Unnamed Street connecting Bull with Victory Drive, east of A.C.L. R.R.

At all intersections at which there is erected or placed by proper

3. For state law authorizing cities to designate any intersection as a yield-right-of-way intersection and to require vehicles facing a "yield-right-of-way" sign to yield right of way to other vehicles, see Ga. Code Ann., § 68-1607.

authority a sign directing traffic to "yield right of way", the driver of a vehicle approaching such sign shall slow to a speed of not more than ten miles per hour and shall yield the right of way to all vehicles approaching from the right or left on the intersecting street which are so close as to constitute an immediate hazard. (2-5-54, § 1; 3-5-54, §§ 1, 2; 4-2-54, § 1.)

Sec. 22-130. One-way streets—Designated.[4]

The following portions of the following streets are hereby designated as one-way streets for vehicles traveling only in the direction indicated:

4. For state law authorizing cities to designate one-way streets and require vehicles to be moved thereon in one specific direction, see Ga. Code Ann., § 68-1607.

Street	From	To	Direction of traffic
Anderson Street	Ogeechee Road	Thirty-First Street	East
Battey Street	Forty-Eighth Street	Forty-Ninth Street	South
Bay Street Lane	Houston Street	Drayton Street	West
Bay Street Lane	Drayton Street	Bull Street	West
Broughton Street Lane	West Broad Street	Lincoln Street	East
Bryan Street	East Broad Srteet	West Broad Street	West
Bryan Street	West Broad Street	West Boundary Street	West
Charlton Street	West Broad Street	Abercorn Street	East
Congress Street	West Broad Street	East Broad Street	East
Congress Street Lane	West Broad Street	Lincoln Street	West
Drayton Street	Bay Street	Victory Drive	North
Fifty-Seventh Street	Lincoln Street	Bull Street	West
Floyd Street	Entire length		South
Forty-Second Street	Abercorn Street	Drayton Street	West
Forty-Third Street	Whitaker Street	Bull Street	East
Gordon Street	Barnard Street	Abercorn Street	East
Harris Street	East Broad Street	West Broad Street	West
Henry Lane	West Broad Street	Montgomery Street	East
Henry Street	Skidaway Road	Magnolia Street	West
Herndon Street	Price Street	East Broad Street	East
Hull Street	Abercorn Street	West Broad Street	West
Jefferson Street	Bay Street	Liberty Street	South
Lincoln Street	Victory Drive	Liberty Street	North
Main Street Entrance to Doffin Park	Victory Drive	Wading Pool	Southeast
McGillicudy Lane	Forty-Eighth Street	Forty-Ninth Street	North
Perry Street	West Broad Street	Abercorn Street	East
Plant Street	Price Street	Habersham Street	Southwest
President Street	Drayton Street	Bull Street	West
Price Street	Entire length		South
Sixtieth Street Lane	Reynolds Street	Habersham Street	West
State Street	East Broad Street	West Broad Street	West
Taylor Street	Lincoln Street	West Broad Street	West
Thirty-First Street	Whitney Street	Skidaway Road	East
Twenty-foot Roadway North of Emmett Park	East Broad Street	Lincoln Street	West
West Boundary Street	Bryan Street	Zubly Street	South
Whitaker Street	Bay Street	Victory Drive	South
York Street	Jefferson Street	East Broad Street	East
York Street	Jefferson Street	Memorial Bridge	West
York Street Lane	Bull Street	Jefferson Street	West
York Street Lane	Bull Street	Habersham Street	East

(Code 1945, §§ 59-141 to 59-148, 59-153, 59-199, 59-253; 9-18-46, §§ 1-6; 4-4-47, § 1; 5-4-48, § 1; 12-2-49, §§ 1, 2; 1-27-50, § 1; 2-23-51; 3-21-51, § 1; 5-30-52, § 1; 9-16-55, § 1; 10-14-55; 12-9-55, § 1; 4-27-56, § 1; 8-3-56; 10-26-56, §§ 1, 3; 11-9-56, § 1.)

Sec. 22-131. Same — Vehicles to move only in direction indicated; exception.

Upon those streets and parts of streets designated as one-way streets in the preceding section, vehicular traffic shall move only in the direction indicated by signs erected and maintained at every intersection where movement in the opposite direction is prohibited; provided, however, that the fire department, when answering a fire alarm, and vehicles of the city and county police departments, when being used in the discharge of public duties from those departments, shall have the right to move in either direction on either or any of the streets named in the preceding section. (9-18-46, § 7.)

Sec. 22-132. Right turns on red.

Vehicles shall be allowed to make a right turn against a red light at any street intersection in the city; provided, however, that such vehicle shall come to a complete stop before making such turn and that such turn shall not be made until the same can be done in safety with due regard to approaching traffic. (Code 1945, § 59-174.)

Sec. 22-133. Left turns prohibited[5]—At Bay and Water Streets.

It shall be unlawful for the driver of any vehicle to make a left turn at the intersection of Bay and Water Streets. (Code 1945, § 59-174.)

Sec. 22-134. Same—At Liberty and East Broad Streets.

Left turns are prohibited for traffic traveling north on East Broad Street at the intersection of Liberty and East Broad Streets. (7-10-53, § 3.)

5. For state law authorizing cities to prohibit turning at intersections, see Ga. Code Ann., § 68-1607.

Sec. 22-135. Same—At Bull and Broughton Streets.

No vehicle shall make a left turn at the intersection of Bull and Broughton Streets. (Code 1945, § 59-126.)

Sec. 22-136. Same—At Barnard and Broughton Streets.

No vehicles shall make a left turn at the intersection of Barnard and Broughton Streets. (Code 1945, § 59-126.)

Sec. 22-137. Reverse turns prohibited on Broughton Street.

It shall be unlawful for any person driving an automobile or other vehicle of any kind or character to make a reverse turn on Broughton Street, between East Broad and West Broad Streets, that is to say, a turn completely around so that the automobile or other vehicle would return in the same direction or on the same street from whence it originally came. (Code 1945, § 59-248.)

Sec. 22-138. Use of Congress Street Lane restricted to commercial vehicles.

No vehicle shall use Congress Street Lane except commercial trucks or other commercial vehicles on the business of receiving or delivering freight and merchandise. (Code 1945, § 59-253.)

Sec. 22-139. Use of Broughton Street Lane restricted to commercial vehicles.

No vehicle shall use Broughton Street Lane except commercial trucks or other commercial vehicles on the business of receiving or delivering freight and merchandise. (Code 1945, § 59-253.)

Sec. 22-140. Commercial vehicles prohibited on Bull Street; exception.

It shall be unlawful for the driver of any truck, dray or wagon to use Bull Street, between Broughton and Gaston Streets, except in crossing such street; provided, however, that drivers of such trucks, drays or wagons shall have the right to use such portion of Bull Street as may be necessary, and no more, in making deliveries of articles to or from any point along the line of the street. (Code 1945, § 59-112.)

Sec. 22-141. Railroad irons, poles, etc., to be transported lengthwise.

All railroad iron, boilers, hoops, poles, timber, plank, boards and lumber shall be transported lengthwise, and not crosswise, upon any truck, car, wagon, dray or vehicle of any description passing over the streets of the city. (Code 1945, § 59-110.)

Sec. 22-142. Wreckers near accidents.

It shall be unlawful for any person engaged in wrecker service within the city, or any agent or employee of such person, to come within one hundred feet of the scene of any accident or cause any wrecker owned or operated by him to approach nearer than one hundred feet of the scene of any accident of any automobile or other vehicle within the corporate limits of the city, until the police department has had an opportunity to investigate the accident and has directed and authorized the wrecker to approach within such prohibitive distance and take charge of the wrecked vehicle and remove the same from the scene. (12-28-51, § 1.)

Sec. 22-143. Bicycles [6] — Riders not to hold onto other vehicles.

No person riding a bicycle shall tow himself by holding onto an automobile or other vehicle. (Code 1945, § 59-137.)

Sec. 22-144. Same—Riding on sidewalks.

It shall be unlawful for any person to ride a bicycle upon any sidewalk in the city, except when necessary to cross a sidewalk from the curb to the entrance of a lot, building or enclosure. (Code 1945, § 53-286.)

Sec. 22-145. Same—Lights.

It shall be unlawful for any person to ride on any street in the city after nightfall any bicycle or other similar vehicle, unless such person shall display, attached to such vehicle, a light. (Code 1945, § 59-115.)

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6. For state law authorizing cities to regulate the operation of bicycles, see Ga. Code Ann., § 68-1607.

Sec. 22-146. Same—Multiple riders.

It shall be unlawful within the corporate limits of the city for two or more persons to ride upon a bicycle, unless such bicycle has a regular seat for the second passenger in the rear of the driver. (Code 1945, § 59-132.)

Sec. 22-147. Same—Parking space on Bryan Street.

Space for parking bicycles is hereby established on the north side of Bryan Street, between Drayton and Bull Streets, the same to extend from the southern edge of the sidewalk on the northern side of Bryan Street a distance of five feet southward and from the property line on the western side of Drayton Street sixty feet westward. The users of such space shall place regulation standards for bicycles on the eastern and western boundaries of the space, and it shall be unlawful for any person to use any portion of the sidewalk north of the space for the purpose of parking bicycles thereon. (Code 1945, § 59-243.)

Sec. 22-148. Repairing vehicles on streets.

It shall be unlawful for any person to repair any automobile, automobile truck or other vehicle upon the streets, lanes and thoroughfares of the city, except in case of an emergency arising out of an accident or in case of a temporary breakdown; only such repairs being allowed in such instances as will permit the automobile or other vehicle to be removed from the place where it may have become disabled. (Code 1945, § 53-201.)

Sec. 22-149. Minimum fines for traffic violations generally.[7]

The following minimum fines are hereby provided for violations of the traffic laws of the city:

1. Improper turning	$1.00
2. Parking in lane	3.00
3. Parking on wrong side of street	1.00
4. Parking in "No Parking" space	3.00
5. Operating without proper muffler	4.00

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7. For state law authorizing cities to punish violators of traffic ordinances, see Ga. Code Ann., § 68-1680.

6. Operating with improper lights	2.00
7. Failure to stop at boulevard	7.00
8. Failure to stop at red lights	7.00
9. Parking overtime on meter	1.00
10. Moving against traffic on one-way street	4.00
11. Improper parking	1.00
12. Backed in angle space	1.00
13. Parked in prohibited zone	3.00
14. Double parking	3.00
15. Unnecessary horn blowing	1.00
16. Parking by fire hydrant	4.00

(7-22-55, § 1.)

Sec. 22-150. Failure to obey notice of parking violation.

Whenever any person upon whose automobile or other vehicle a parking violation notice is placed by a police officer of the city shall fail to report to the police department in response to the notice, such person shall, upon conviction in the police court for the violation charged in the notice, be subject to a fine of not less than three dollars nor more than one hundred dollars in the discretion of the court.

Whenever a subpoena shall issue by the police department, returnable to the police court for such illegal parking, the person to whom such subpoena is issued shall be authorized to make payment in the amount of the fine specified in the preceding section, plus two dollars, to the traffic office of the police department, prior to such case having been entered upon the recorder's docket book. Before the issuance of such subpoena, and within five days after the notice has been attached to the vehicle, the traffic office is authorized to collect the fine specified in the preceding section. After the expiration of such five days, the traffic office shall collect such fine, plus two dollars. (12-1-50, §§ 1, 2.)

Sec. 22-151. Penalty for parking violations which obstruct traffic.

Any person violating any parking regulation of the city, which violation obstructs or tends to obstruct pedestrian or vehicular traffic upon the streets of the city, shall, upon conviction in the police court, be punished by a fine in a sum not less than four dollars and not more than one hundred dollars, or by confinement for thirty

days in jail, or any portion thereof, or by both such fine and imprisonment, in the discretion of the court, for the first offense. For subsequent offenses, the minimum fine shall in no case be less than ten dollars. This section shall not apply to parking overtime in a metered zone, unless the parking constitues a hazard to traffic. (8-21-53, § 1; 12-11-53.)

Sec. 22-152. Impoundment of illegally parked vehicles.[8]

In the event any vehicle is parked in violation of this title or any other ordinance of the city at a fire hydrant or in a prohibited area or in such a manner as to obstruct or impede or interfere with pedestrian or vehicular traffic or to become a hazard, the police authorities, at their discretion, shall have the right, in addition to placing a docket case against the defendant, to cause the vehicle to be removed and towed to a garage in the city selected by the police authorities, and to remain there until the defendant shall have appeared in police court and paid the fine prescribed for the violation and produced proof of such fact to the garage owner.

For the purpose of enforcing this section, a list shall be maintained by the police department of the names of all garages in the city which have twenty-four hour wrecker service. Whenever it becomes necessary to remove a vehicle under this section; the garages on such list shall be called in rotation. (8-21-53, § 2.)

Sec. 22-153. Relief from penalty for parking violation.

The judge of the police court shall have the right to relieve persons charged with penalties for parking violations. (3-11-54, § 1.)

Sec. 22-154. Policemen not to receive money for traffic violations.

No police officer of the city shall be permitted to receive any money upon the streets for any traffic violation, or to carry the same to the police department for any person violating this title or other traffic ordinances of the city. (Code 1945, § 59-202.)

Sec. 22-155. Violations where accident has happened.

The provisions of this title shall not apply to any traffic violation

8. For state law as to removal of illegally parked vehicles, see Ga. Code Ann., § 68-1669.

where an accident has happened upon the streets or lanes of the city growing out of or in connection with a violation of any of the traffic ordinances of the city, but the person violating any traffic ordinance of the city in connection with or growing out of any accident shall either be arrested by the police officer or served with a subpoena directing such person to appear before the police court and there to answer a charge of violating the traffic ordinances of the city. (Code 1945, § 59-202.)

Chapter 22-2. Parking Meters.[9]

§ 22-201. Definitions.
§ 22-202. Zones established.
§ 22-203. Purchase, installation and maintenance generally.
§ 22-204. Location.
§ 22-205. Signal to be displayed; indication of parking time; charge, etc.
§ 22-206. Designation and use of parking spaces.
§ 22-207. Deposit of coin—Required; exceptions.
§ 22-208. Same—Effect.
§ 22-209. Same—Purpose.
§ 22-210. Overtime parking.
§ 22-211. Exemption stickers.
§ 22-212. Defacing, tampering with, etc.
§ 22-213. Deposit of slugs prohibited.
§ 22-214. Violations of chapter—Report of police.
§ 22-215. Same—Notice to be attached to vehicle.

Sec. 22-201. Definitions.

For the purposes of this chapter, the following words shall have the meanings herein ascribed to them:

Operator. The word "operator" shall mean and include every individual who shall operate a vehicle.

Street. The word "street" shall mean any public street, avenue, road, boulevard, highway or other public place located in the city and established for the use of vehicles.

Vehicle. The word "vehicle" shall mean any device in, upon or by which any person or property is or may be transported upon a

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9. For state law relative to city's authority to install and operate parking meters, see Ga. Code Ann., §§ 87-802, 87-803.

highway, except a device which is operated upon rails or tracks. (5-2-47, § 1.)

Sec. 22-202. Zones established.

The following zones are hereby established as parking meter zones in the following streets of the city:

Generally: The area bounded by the western property line of West Broad Street, on the south by the southern property line of Liberty Street, on the east by the eastern property line of Lincoln Street and on the north by the Savannah River.

Abercorn Street: East and west sides between Fortieth Street and Victory Drive.

Abercorn Street: West side between Henry and Anderson Streets.

Broughton Street: North and south sides between Lincoln and East Broad Streets.

Bull Street: East and west sides between Liberty and Harris Streets and east and west sides between Fortieth Street and Victory Drive.

Harris Street: From Whitaker Street to Drayton Street.

Liberty Street: South side, extending eastward from Lincoln Street to the end of the Great Atlantic and Pacific Tea Company building.

Strand Driveway: North of and at the same level with Bay Street, between Lincoln and Habersham Streets.

West Broad Street: East side between Congress and Gwinnett Streets and west side between Zubly and Gwinnett Streets.

West Broad Street: East and west sides from Liberty Street to Gwinnett Street, not including that area of West Broad Street on which fronts the office buildings or station of the Central of Georgia Railway Company.

Whitaker Street: From Liberty to Harris Streets.
(5-2-47, § 2; 5-28-48, § 1; 9-9-49, § 1; 4-17-53, § 1; 4-30-54, §§ 1-4.)

Sec. 22-203. Purchase, installation and maintenance generally.[1]

Parking meters shall be installed in each of the parking meter zones established by this chapter.

The board of purchases is hereby directed to provide for the purchase, leasing, acquiring, installation, operation, maintenance, supervision, regulation and use of such meters and to maintain them in good workable condition. The board is hereby vested with power and authority to enter into a contract, for not more than a twelve-month trial period, after approval of the terms and conditions thereof by the city council, for the leasing, purchasing and installation of parking meters, the payment for such meters and installation to be provided for solely from the receipts, funds and fees obtained from the operation of the meters, without in any manner obligating the city to pay for the same from any other source. The board is further authorized and empowered to enter into a contract, after approval of the terms and conditions thereof by the council, for such protection and maintenance of the parking meters as may be necessary to maintain the same in good operating condition and to pay for such parts, protection and maintenance exclusively from the receipts, funds and fees received from the operation of the meters. (5-2-47, §§ 2, 3.)

Sec. 22-204. Location.

Parking meters installed in accord with the provisions of this chapter shall be placed upon the curb immediately adjacent to the individual parking space. (5-2-47, § 4.)

Sec. 22-205. Signal to be displayed; indication of parking time; charge, etc.

Each parking meter shall be placed or set in such manner as to show or display by a signal that the parking space adjacent to such meter is or is not legally in use. Each parking meter installed shall indicate by a proper legend the legal parking time established by the city and the charge therefor and, when operated, shall indicate on and by its dial and pointer or other device, the duration of the period of legal parking, and, on the expiration of such period, shall indicate illegal or over parking. (5-2-47, §§ 2, 4.)

1. As to contracts and purchases generally, see Tit. 11.

Sec. 22-206. Designation and use of parking spaces.

The city council shall have lines or markings painted or placed upon the curb or upon the street adjacent to each parking meter for the purpose of designating the parking space for which the meter is to be used and each vehicle parking adjacent or next to any parking meter shall park within the lines or markings so established. It shall be unlawful and a violation of this chapter to park any vehicle across any such line or marking or to park a vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings. When a parking space in any parking meter zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle nearest to the meter. (5-2-47, §§ 5, 6.)

Sec. 22-207. Deposit of coin—Required; exceptions.

Except as provided in section 22-211 of this Code, when any vehicle is parked in any space adjacent to which a parking meter is located in accordance with the provisions of this chapter, the operator of the vehicle shall, upon entering the space, immediately deposit or cause to be deposited a five-cent coin or one-cent coin of the United States in such parking meter, and put such meter in operation, and failure to deposit such five-cent or one-cent coin and put the meter in operation shall constitute a violation of this chapter; provided, however, that no charge for the use of a parking meter space shall be made between 6:00 P. M. and 8:00 A. M. during week days, and no charge shall be made on Sundays and legal holidays, as defined by state law; and, provided further, that persons operating commercial vehicles shall not be required to place a coin in a parking meter while occupying a parking space during the time necessary for the loading or the unloading of such commercial vehicle. (5-2-47, § 7; 6-27-47, § 1.)

Sec. 22-208. Same—Effect.

Upon the deposit of a five-cent or one-cent coin and placing a parking meter in operation, as required by the preceding section, the parking space may be lawfully occupied by the vehicle during the period of parking time which has been prescribed for the part of the street in which the space is located. (5-2-47, § 7.)

Sec. 22-209. Same—Purpose.

The five-cent and one-cent coins required to be deposited in parking meters are hereby levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets; and also, for the cost of supervision and regulating the parking of vehicles in the parking meter zones created in this chapter and to cover the cost of the purchasing, leasing, acquiring, installation, operation, maintenance, supervision, regulation and control of the parking meters described in this chapter. (5-2-47, § 14.)

Sec. 22-210. Overtime parking.

If any vehicle remains parked in any parking meter space beyond the parking time limit fixed for such space, the parking meter shall, by its dial and pointer or other device, indicate such illegal parking and, in that event, such vehicle shall be considered as parked overtime and beyond the period of legal parking time and the parking of a vehicle overtime or beyond the period of legal parking time in any such part of a street where any such meter is located shall be a violation of this chapter and it shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone.

It shall likewise be unlawful for any person to permit a vehicle to remain or be placed in any parking space adjacent to any parking meter while the meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period of time prescribed for such parking space. (5-2-47, §§ 7-9.)

Sec. 22-211. Exemption stickers.

All citizens legally domiciled in premises abutting streets on which parking meters have been placed shall be entitled to stickers issued by the police department, if they show the department their current automobile registration, which indicates their domicile to be in a metered zone. The police department, on being satisfied the applicant owns a car and lives in a metered zone, shall issue a sticker to be placed in the back window of the vehicle. The sticker shall be valid for the calendar year in which issued. It shall show:

(a) The name of the owner.
(b) His address.
(c) Current license number.
(d) Year in which sticker valid.
(e) Block and street in which operative.
(f) Any other information required by a reasonable regulation of the department.

Such sticker shall allow a citizen to park free in the block on either side of the street on which he lives, even though such street is metered; provided, however, that he may not use the sticker to park in front of any commercial establishment. (2-17-56, §§ 1-3.)

Sec. 22-212. Defacing, tampering with, etc.[2]

It shall be unlawful for any person to deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this chapter. (5-2-47, § 10.)

Sec. 22-213. Deposit of slugs prohibited.

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device or metallic substance or any other substitute for a five-cent or one-cent coin of the United States. (5-2-47, § 11.)

Sec. 22-214. Violations of chapter—Report of police.

It shall be the duty of police officers of the city, acting in accordance with instructions to be issued by the chief of police, to report:

(a) The number of each parking meter which indicates that the vehicle occupying the parking space adjacent thereto is or has been parked in violation of any of the provisions of this chapter;
(b) The state license number of such vehicle;
(c) The city license number of such vehicle;
(d) The time during which such vehicle was parked in violation of any of the provisions of this chapter;
(e) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

(5-2-47, § 12.)

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2. As to injury to public property generally, see § 24-133.

Sec. 22-215. Same—Notice to be attached to vehicle.

A police officer finding a vehicle parked in violation of this chapter shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this chapter and instructing such owner or operator to report at the police station in regard to such violation. (5-2-47, § 12.)

Chapter 22-3. Parking Regulations for Specific Streets.[3]

§ 22-301. Abercorn Street
§ 22-302. Anderson Street.
§ 22-303. Barnard Street.
§ 22-304. Battey Street.
§ 22-305. Bay Street and Bay Street Extension.
§ 22-306. Bee Road.
§ 22-307. Broughton Street.
§ 22-308. Broughton Street Lane.
§ 22-309. Bryan Streeet.
§ 22-310. Bull Street.
§ 22-311. Charlton Street.
§ 22-312. Congress Street.
§ 22-313. Congress Street Lane.
§ 22-314. Drayton Street.
§ 22-315. East Broad Street.
§ 22-316. Florence Street.
§ 22-317. Habersham Street.
§ 22-318. Harmon Street.
§ 22-319. Harris Street.
§ 22-320. Henry Street.
§ 22-321. Houston Street.
§ 22-322. Hull Street.
§ 22-323. Huntingdon Street.
§ 22-324. Indian Street.
§ 22-325. Jones Street.
§ 22-326. Lamara Drive.
§ 22-327. Liberty Street
§ 22-328. Lincoln Street.
§ 22-329. Louisville Road.

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3. For state law authorizing cities to regulate the parking and standing of vehicles, see Ga. Code Ann., § 68-1607.

For special legislative provisions relative to the use of Ellis Square for parking, see §§ 1-801 to 1-803.

§ 22-330. Macon Street.
§ 22-331. Magnolia Street.
§ 22-332. McDonough Street.
§ 22-333. McGillicudy Lane.
§ 22-334. Montgomery Street.
§ 22-335. North Jefferson Street.
§ 22-336. Ogeechee Road.
§ 22-337. Oglethorpe Avenue.
§ 22-338. Park Avenue.
§ 22-339. Perry Street.
§ 22-340. President Street.
§ 22-341. Price Street.
§ 22-342. Roadway betweeen East Broad Street and Lincoln Street.
§ 22-343. State Street.
§ 22-344. Stiles Avenue.
§ 22-345. St. Julian Street.
§ 22-346. Strand.
§ 22-347. Street abutting sidewalk on west side of City Hall.
§ 22-348. Taylor Street.
§ 22-349. Thirty-First Street.
§ 22-350. Thirty-Seventh Street.
§ 22-351. Waters Avenue.
§ 22-352. West Broad Street.
§ 22-353. Wheaton Street.
§ 22-354. Whitaker Street.
§ 22-355. Williamson Street.
§ 22-356. York Street.

Sec. 22-301. Abercorn Street.

There shall be parallel or curb parking on both sides of Abercorn Street from Bay Street south to the city limits, but it shall be unlawful to park any vehicle along the curbings closest to the squares on Abercorn Street, except on Sundays during hours of church service. (Code 1945, § 59-234; 2-5-54, § 1.)

Sec. 22-302. Anderson Street.

It shall be unlawful to park any vehicle on the south side of Anderson Street between Ogeechee Road and Laurel Grove Cemetery Gate or on the north side of Anderson Street from Ogeechee Road to Thirty-First Street at the point where Anderson Street meets with Thirty-First Street near Skidaway Road. (11-30-51, § 1; 4-27-56, § 2.)

Sec. 22-303. Barnard Street.

On Barnard Street, parallel or curb parking shall be permitted on the west side from Bay Street south to the city limits and, on the east side, from Bay Street to State Street, angle parking will be permitted, except on the eastern side of the city market.

It shall be unlawful for any person to park any vehicle of any kind along the curbings closest to the squares on Barnard Street except on Sundays during hours of church service. (Code 1945, § 59-230; 2-5-54, § 1.)

Sec. 22-304. Battey Street.

It shall be unlawful for any person to park any automobile or other vehicle on Battey Street, between Forty-Eighth and Forty-Ninth Streets, between 8:00 A. M. and 3:00 P. M. (5-30-52, § 1.)

Sec. 22-305. Bay Street and Bay Street Extension.

On Bay Street, from East Broad to Jefferson Streets, the parking of all automobiles, trucks and other vehicles shall be parallel to the curb in the direction of travel with the right wheels of each vehicle not more than six inches from the curb, and on Bay Street Extension, from West Broad Street to the western city limits, there shall be no parking of any kind.

It shall be unlawful for any person to park or cause to be parked any vehicle of any kind alongside any curbing on either side of Bay Street between West Broad Street and Jefferson Street. Angle parking along either side of Bay Street between Jefferson Street and East Broad Street is prohibited, but parallel parking is to be permitted alongside the curbing on either side of Bay Street between Jefferson Street and East Broad Street.

It shall be unlawful for any person to park any vehicle on the south side of Bay Street between Jefferson and Barnard Streets, unless the vehicle is parked parallel to the curb on the south side of Bay Street, the nearer side of the vehicle being not more than six inches from the curbing.

No automobiles, trucks or other vehicles shall be parked on either side of Bay Street between West Broad Street and Montgomery Street. (Code 1945, § 59-207; 5-4-48, § 1; 11-3-50, § 1; 2-5-54, §§ 1-3.)

Sec. 22-306. Bee Road.

The parking of vehicles on Bee Road between Wheaton Street and Victory Drive is prohibited, and any such parking shall be and the same hereby is declared to be unlawful. (11-25-55, § 1.)

Sec. 22-307. Broughton Street.

On Broughton Street, parallel or curb parking is required from East Broad to West Broad Streets, except that, in each block from Lincoln Street to West Broad Street, there shall be reserved fifty feet for the discharging and taking on of passengers and packages. No parking shall be allowed in these spaces and no vehicle shall use them for more than five minutes at a time. (Code 1945, § 59-212.)

Sec. 22-308. Broughton Street Lane.

Vehicles shall stop or park only on the south side of Broughton Street Lane and for just so long a time as is necessary to load and unload. There shall be no parking or stopping at any time by any vehicle on the north side of the lane. (Code 1945, § 59-253.)

Sec. 22-309. Bryan Street.

On Bryan Street, from East Broad to West Broad Streets, there shall be parallel or curb parking on the north side only. Parking on the south side is prohibited, except parallel parking on the north side of the city market. Parking is prohibited on the south side of Bryan Street between West Broad and West Boundary Streets. (Code 1945, § 59-209; 10-26-56, § 2.)

Sec. 22-310. Bull Street.

Parallel or curb parking shall be permitted on both sides of Bull Street from Bay Street south to the city limits. There shall be no parking around the squares from 8:00 A. M. until 6:00 P. M. daily, Sundays excepted.

All automobiles or other vehicles parking on the west side of Bull Street between State Street and York Street, in front of the Post Office Building, shall be parked only at an angle of thirty-five degrees with the curb line of the sidewalk of the street. The time allowed for parking a vehicle in this area shall be limited to a period of ten minutes.

The parking of vehicles of any kind on the east side of Bull Street from the north side of Harris Street to the south side of President Street shall be at an angle of forty degrees. Within this area, the police department is authorized to establish and mark a "no-parking" space directly in front of the Bull Street entrance of the Chatham Junior High School.

Parking is hereby prohibited on the east side of Bull Street for thirty feet south of the southeast corner of the intersection of Bull and Duffy Streets, and for twenty-five feet on the eastern side of Bull Street measured north from Duffy Street Lane.

It shall be unlawful for any person to park any automobile or other vehicle on Bull Street between Oglethorpe Avenue and Hull Street on weekdays, excepting Saturdays, Sundays and school holidays between the hours of 8:00 A. M. to 3:00 P. M. (Code 1945, § 59-232; 2-19-47, §§ 1, 2; 4-4-47, § 3; 12-1-50, § 1; 12-7-56, § 1.)

Sec. 22-311. Charlton Street.

On Charlton Street, from East Broad to West Broad Streets, parallel or curb parking on the south side only shall be permitted. (Code 1945, § 59-224.)

Sec. 22-312. Congress Street.

Parallel or curb parking on the south side of Congress Street shall be required. Parking on the north side thereof is prohibited. (Code 1945, § 59-211.)

Sec. 22-313. Congress Street Lane.

Vehicles shall stop or park only on the south side of Congress Street Lane and for just so long a time as is necessary to load and unload. There shall be no parking or stopping at any time by any vehicle on the north side of the lane. (Code 1945, § 59-253.)

Sec. 22-314. Drayton Street.

Parallel or curb parking shall be permitted on the eastern side of Drayton Street from Oglethorpe Avenue south to the city limits. There shall be no parking of any kind on the west side of Drayton Street.

No automobiles or other vehicles shall be parked on either side

of Drayton Street between Victory Drive and Bay Street from 7:30 A. M. until 9:30 A. M., except on Sundays.

No vehicles shall be permitted to park on the east side of Drayton Street, between Perry and McDonough Streets, between the hours of 8:00 A. M. and 6:00 P. M. for a period longer than thirty minutes. (Code 1945, § 59-233; 12-11-46, § 1; 2-19-47, § 3; 6-17-49, § 1; 7-10-53, § 1.)

Sec. 22-315. East Broad Street.

It shall be unlawful for any person to park any vehicle on the west side of East Broad Street between Gwinnett and Henry Streets at any time. Parallel or curb parking is permitted on both sides of East Broad Street from Bay Street south to the city limits, except that there shall be no parking on the west side of East Broad Street between Gwinnett and Henry Streets at any time. (Code 1945, § 59-239; 2-20-53, § 1.)

Sec. 22-316. Florence Street.

No automobile or other vehicle shall be parked on the east side of Florence Street between Thirty-Sixth Street and Forty-Second Street. (6-27-47, § 1.)

Sec. 22-317. Habersham Street.

Parallel or curb parking shall be permitted on both sides of Habersham Street from Bay Street south to the city limits. No parking shall be permitted along the sides of squares along Habersham Street, either at the inner curb or at the outer curb of the street. (Code 1945, § 59-236; 2-6-53, § 2.)

Sec. 22-318. Harmon Street.

No parking shall be permitted on the east side of Harmon Street from Henry Street to Wheaton Street. (4-4-47, § 4.)

Sec. 22-319. Harris Street.

On Harris Street, from East Broad to West Broad Streets, parallel or curb parking on the north side only shall be permitted. (Code 1945, § 59-221.)

Sec. 22-320. Henry Street.

No automobile or other vehicle shall be parked on the south side of Henry Street between Skidaway Road and Magnolia Street or on the northern side from a point beginning at the building line on the western side of Bull Street and extending westwardly along the northern side of Henry Street a distance of one hundred ninety-one feet to a point ten feet west of the new fire station building.

It shall be unlawful for any person to park any automobiles, trucks or other vehicles of any kind or description at any time on either the northern or southern side of Henry Street from the eastern line of Bull Street to the western line of Drayton Street. (9-18-46, § 1; 11-13-46, § 1; 12-2-49, § 1; 4-27-56, § 2.)

Sec. 22-321. Houston Street.

Parallel or curb parking shall be permitted on the eastern and western sides of Houston Street from Bay Street south to Liberty Street. (Code 1945, § 59-238.)

Sec. 22-322. Hull Street.

Parallel or curb parking is required on the north side of Hull Street from East Broad to West Broad Streets. (Code 1945, § 59-217.)

Sec. 22-323. Huntingdon Street.

It shall be unlawful for any person to park an automobile or other vehicle along the northern curbing of Huntingdon Street between Abercorn and Drayton Streets. (5-1-53, § 1.)

Sec. 22-324. Indian Street.

Parking is prohibited in front of the two loading entrances at 560-570 Indian Street. (10-11-56, § 1.)

Sec. 22-325. Jones Street.

On Jones Street, from East Broad to West Broad Streets parallel parking only shall be permitted on both sides of the street. (Code 1945, § 59-225.)

Sec. 22-326. Lamara Drive.

The parking of vehicles on the north side of Lamara Drive, between Sussex Street and Lafayette Circle in front of the Jacob Smith School, is prohibited, except that vehicles may stop there while the passengers of such vehicles are engaged in going to or from school. (11-9-56, § 1.)

Sec. 22-327. Liberty Street.

Parking on Liberty Street shall be parallel or curb parking on both the north and south sides from East Broad to West Broad Streets. There shall be no parking of any kind along the central grass plot. (Code 1945, § 59-220.)

Sec. 22-328. Lincoln Street.

Parallel or curb parking on the eastern side of Lincoln Street only, from Bay Street south to the city limits, shall be permitted. Parking is prohibited on the west side of Lincoln Street between Victory Drive and Liberty Street. (Code 1945, § 59-235; 12-9-55, § 3.)

Sec. 22-329. Louisville Road.

It shall be unlawful for any person to park any vehicle alongside of the curbing on either side of Louisville Road, between West Boundary Street and the western limits of the city. (8-10-51, § 1.)

Sec. 22-330. Macon Street.

From East Broad to West Broad Streets, parallel or curb parking is required on both sides of Macon Street. No parking around the squares on Macon Street shall be allowed from 8:00 A. M. until 6:00 P. M. daily, Sundays excepted. (Code 1945, § 59-223.)

Sec. 22-331. Magnolia Street.

Parking is hereby prohibited on both sides of Magnolia Street from Anderson Street to Gwinnett Street. (10-26, § 1.)

Sec. 22-332. McDonough Street.

On McDonough Street, parallel or curb parking is required on

the north side and thirty degree angle parking on the south side. No parking shall be permitted around the squares from 8:00 A. M. until 6:00 P. M. daily, Sundays excepted.

No vehicle shall be permitted to park on the south side of McDonough Street, between Drayton and Floyd Streets, between the hours of 8:00 A. M. and 6:00 P. M. for a period of time longer than thirty minutes. (Code 1945, § 59-218; 12-11-46, § 1.)

Sec. 22-333. McGillicudy Lane.

It shall be unlawful for any person to park any automobile or other vehicle on McGillicudy Lane, between Forty-Eighth and Forty-Ninth Streets, between 8:00 A. M. and 3:00 P. M. (5-30-52, § 1.)

Sec. 22-334. Montgomery Street.

On Montgomery Street, parallel or curb parking on both sides from River Street south to the city limits shall be permitted.

It shall be unlawful for any person to park or cause to be parked any vehicle alongside the western curbing on Montgomery Street between Liberty Street and Perry Lane or on the west side of Montgomery Street, between Williamson Street and Bay Street, beginning at the southwest corner of Montgomery Street and Williamson Street and running thence south along the west side of Montgomery Street for a distance of ninety feet. (Code 1945, § 59-228; 2-5-54, § 1; 10-11-56, § 1.)

Sec. 22-335. North Jefferson Street.

Parking on North Jefferson Street between Bay and Williamson Streets shall be limited to one hour. (4-4-47, § 6.)

Sec. 22-336. Ogeechee Road.

It shall be unlawful for any person to park or leave standing any automobile, wagon or other vehicle on the eastern side of Ogeechee Road from Thirty-Eighth Street to the city limits. (Code 1945, § 59-206.)

Sec. 22-337. Oglethorpe Avenue.

Parallel or curb parking is required on Oglethorpe Avenue from East Broad Street to West Broad Street. No parking whatsoever shall be allowed along the central grass plot of Oglethorpe Avenue. (Code 1945, § 59-216.)

Sec. 22-338. Park Avenue.

Angle parking on the south side of Park Avenue between Drayton and Whitaker Streets is prohibited and only parallel parking shall be permitted. Angle parking is permitted on the north side of Park Avenue between Drayton and Bull Streets. (7-10-53, § 2.)

Sec. 22-339. Perry Street.

Parallel parking is required on the south side of Perry Street from East Broad to West Broad Streets. (Code 1945, § 59-219.)

Sec. 22-340. President Street.

Parallel or curb parking shall be required on the north side of President Street and thirty degree angle parking on the south side. There shall be no parking around the squares from 8:00 A. M. until 6:00 P. M. daily, Sundays excepted. (Code 1945, § 59-214.)

Sec. 22-341. Price Street.

On Price Street, parallel or curb parking on the western side only shall be permitted, from Bay Street south to the city limits. (Code 1945, § 59-237.)

Sec. 22-342. Roadway between East Broad Street and Lincoln Street.

Parallel parking only shall be permitted on the north side of the twenty-foot roadway north of Emmett Park, between East Broad Street and Lincoln Street. (Code 1945, § 59-148.)

Sec. 22-343. State Street.

On State Street, only parallel or curb parking on the north side shall be permitted. On the south side, all parking is prohibited, except on the north side of the Post Office which shall be parallel parking and for ten minutes only. Parking on the south side of State Street, for a distance of thirty feet east of a point thirty feet east from Whitaker Street, on the north side of the United States

Post Office and Court House, is hereby restricted to agents of the United States Government charged with the duty of transporting federal prisoners to and from the United States Court House. Parking on the remaining portion of the south side of State Street, between Bull and Whitaker Streets, is hereby designated for public parking with a ten minute limitation.

The ten minute limitation on public parking set forth above shall become effective at such time as the United States permits the placing of signs indicating such limitation on the sidewalk adjacent to the north side of the United States Post Office and Court House. (Code 1945, § 59-213; 8-19-55, §§ 2-4.)

Sec. 22-344. Stiles Avenue.

No vehicles of any kind, including automobiles, trucks, trailers or other vehicles for the carriage of freight or passengers, shall park on the east side of Stiles Avenue from Louisville Road southwardly to the first railroad crossing, that being the track of the Savannah and Atlanta Railway, between the hours of 7:00 A. M. and 7:00 P. M. (5-30-47, § 1.)

Sec. 22-345. St. Julian Street.

On St. Julian Street, thirty degree angle parking is required on the north side and parallel or curb parking on the south side. No parking shall be permitted around the squares from 8:00 A. M. until 6:00 P. M. daily, Sundays excepted. (Code 1945, § 59-210.)

Sec. 22-346. Strand.

It shall be unlawful to park any vehicle for a period of time longer than one hour on business days, between 8:00 A. M. and 6:00 P. M., on the north side of the Strand just north of Bay Street and between Bull and Whitaker Streets. (Code 1945, § 59-222.)

Sec. 22-347. Street abutting sidewalk on west side of City Hall.

Parking of automobiles and other vehicles shall be permitted to the general public on the street immediately abutting the sidewalk on the west side of the City Hall and such parking shall be limited to thirty minutes. (2-19-47, § 4.)

Sec. 22-348. Taylor Street.

On Taylor Street, from East Broad to West Broad Streets, parallel or curb parking on the north side only shall be permitted. (Code 1945, § 59-226.)

Sec. 22-349. Thirty-First Street.

The parking of vehicles on the north side of Thirty-First Street, between Whitney Street and Skidaway Road is prohibited and any such parking is declared to be unlawful. (12-9-55, § 1.)

Sec. 22-350. Thirty-Seventh Street.

No vehicles shall be parked or allowed to stand on either side of Thirty-Seventh Street, east of Waters Avenue for a distance of forty feet east of the intersection of Thirty-Seventh Street with the east line of Waters Avenue. (9-7-51, § 1.)

Sec. 22-351. Waters Avenue.

Parallel or curb parking is permitted on the west side of Waters Avenue from Wheaton Street south to the city limits. No parking whatsoever shall be permitted on the eastern side. (Code 1945, § 59-241.)

Sec. 22-352. West Broad Street.

On West Broad Street, thirty degree angle parking on both the east and west sides from River Street to Gwinnett Street, and parallel or curb parking on the east and west sides from Gwinnett Street south to the city limits shall be permitted, except along the central grass plots. There shall be no parking of any kind in front of the Union Bus Terminal, Central of Georgia Passenger Station and the Union Station.

It shall be unlawful for any person to park any vehicle of any nature or description on West Broad Street between Bay and Gwinnett Streets at an angle commonly known as angle parking and it shall be permissible for West Broad Street between Bay and Gwinnett Streets to be used by vehicles for parking only when the vehicles are parked parallel to the curbing on either side of the street and not more than six inches from the curbing. The parking of vehicles on the west side of West Broad Street between Stewart and Roberts Streets is prohibited, except that vehicles may stop

there while the operators of such vehicles are engaged in boarding passengers on or in receiving passengers from trains stopping in the Union Station. (Code 1945, § 59-227; 2-9-51, §§ 1, 2; 7-20-56, § 1.)

Sec. 22-353. Wheaton Street.

No parking of any kind shall be permitted on Wheaton Street from Oglethorpe Avenue to Harmon Street. (Code 1945, § 59-240.)

Sec. 22-354. Whitaker Street.

Parallel or curb parking shall be permitted on the west side of Whitaker Street from Bay Street south to the city limits. There shall be no parking of any kind on the eastern side of Whitaker Street from Bay Street south to the city limits.

Parking is also prohibited on both sides of Whitaker Street from Bay Street to Thirty-First Street, between the hours of 4:30 P. M. and 6:30 P. M. (Code 1945, § 59-231; 2-19-47, § 3; 6-17-49, § 2; 7-10-53, § 1.)

Sec. 22-355. Williamson Street.

Parking is prohibited on the south side of Williamson Street from Montgomery Street to West Broad Street. (8-17-56, § 1.)

Sec. 22-356. York Street.

Parallel or curb parking is required on the south side of York Street and no parking shall be permitted on the north side, except on the south side of the Post Office. Parking is prohibited on the south side of York Street between Abercorn Street and Lincoln Street for a distance of forty-four feet, the starting point of this "no parking" zone commencing at a point one hundred five feet from the center line of Lincoln Street, and running for forty-four feet in a westerly direction along the York Street southern curb. (Code 1945, § 59-215; 9-30-55, § 1.)

Chapter 22-4. Isolated Stop Intersections.[4]

§ 22-401. Stop intersections enumerated.
§ 22-402. Exceptions from chapter.

Sec. 22-401. Stop intersections enumerated.

The following intersections are designated as stop intersections and all vehicles are required to stop at the entrance to such intersections as indicated.

Traffic on:

1. Live Oak Street stops for Seiler Avenue
2. President Street stops for Habersham Street
3. Macon Street stops for Habersham Street
4. Wayne Street stops for Habersham Street
5. Hull Street stops for Habersham Street
6. Jones Street stops for Habersham Street
7. Gordon Street stops for Habersham Street
8. Taylor Street stops for Habersham Street
9. Bulloch Street stops for 39th Street
10. Florance Street stops for 39th Street
11. Massachusett Avenue stops for Ohio Avenue
12. Hudson Street (westbound) stops for Cleveland Avenue
13. Reynolds Street stops for 39th Street
14. Ash Street stops for 48th, 49th, 50th and 51st Streets
15. Unnamed street in Daffin Park entering Washington Avenue near Waters Avenue stops for Washington Avenue
16. Fahm Street stops for Hull Street
17. Fahm Street stops for Indian Street
18. Bryan Street stops for Fahm Street
19. Zubly Street stops for Fahm Street
20. Live Oak stops for 48th, 49th, 50th and 51st Streets
21. 44th, 45th and 46th Streets stop for Atlantic Avenue
22. Ott Street stops for 34th Street
23. 32nd Street stops for Ott Street
24. Crescent Drive stops for Jones Street
25. Harmon Street stops for Gwinnett Street

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4. For state law authorizing cities to designate stop intersections, see Ga. Code Ann., § 68-1607.

Sec. 22-402. Exceptions from chapter.

The provisions of this chapter requiring vehicles to come to a stop at specific intersections shall not apply at any intersection where traffic is governed by traffic-control signals or where traffic is being directed by a policeman, in which cases it shall be the duty of the driver of any vehicle to obey the directions of the traffic-control signal or the policeman, regardless of the provisions of this chapter.

TITLE 23.

NOISE.[5]

§ 23-101. Loud, unnecessary and unusual noise generally.
§ 23-102. Use of loudspeakers generally.
§ 23-103. Broadcasting permits.
§ 23-104. Use of vehicles.
§ 23-105. Unnecessary noise in hospital zones.
§ 23-106. Sirens.

Sec. 23-101. Loud, unnecessary and unusual noise generally.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

Sec. 23-102. Use of loudspeakers generally.

It shall be unlawful for any person to operate or cause or permit to be operated any loudspeaker or any instrument or sound-producing or amplifying device of like character so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the same a public nuisance. (4-30-54, § 1.)

Sec. 23-103. Broadcasting permits.

Permits may be granted to responsible organizations to broad-

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5. As to requirement of mufflers on outboard motors used in the Harbor and Port of Savannah, see § 18-120. As to noise created by the racing of vehicle motors, see § 22-125.

cast programs of music, speeches or general entertainment as a part of the community celebration of national, state or city events, public festivals or outstanding events of a noncommercial character, if not audible over one hundred feet distant from the speaker; and provided, that traffic on the streets is not obstructed by reason thereof.

Application for such permits shall be made to the city manager. (4-30-54, § 2.)

Sec. 23-104. Use of vehicles.

The use of any vehicle in such a manner or which is so out of repair, so loaded or so constructed as to create loud and unnecessary noise is hereby prohibited.

Sec. 23-105. Unnecessary noise in hospital zones.

The area within two hundred feet from any hospital in the city, including the hospital itself, is declared to be a hospital zone and no person shall cause or produce any unnecessary noise within such hospital zone. (Code 1945, § 42-101.)

Sec. 23-106. Sirens.

It shall be unlawful for any person operating or using any vehicle in the city, except authorized emergency vehicles, to use a siren on such vehicle. (Code 1945, § 27-124.)

TITLE 24

OFFENSES—MISCELLANEOUS.

§ 24-101. Begging.
§ 24-102. Consorting for immoral purposes.
§ 24-103. Disorderly conduct generally.
§ 24-104. Disorderly houses.
§ 24-105. Firearms—Sale—Report and record.
§ 24-106. Same—Same—Purchaser must have permit or license.
§ 24-107. Same—Same—False information by purchaser.
§ 24-108. Same—Same—False information by seller.
§ 24-109. Same—Destruction when seized.
§ 24-110. Fire, bankrupt, etc., sales.
§ 24-111. Fortunetelling, palmistry, etc., prohibited.
§ 24-112. Funeral home permit—Required.
§ 24-113. Same—Application.
§ 24-114. Same—Denial.
§ 24-115. Gambling—General prohibition.
§ 24-116. Same—Possession of paraphernalia.
§ 24-117. Same—Frequenting gambling places.
§ 24-118. Green hides—Curing and storing.
§ 24-119. Guano—Storage in certain area prohibited.
§ 24-120. Hotels, inns, etc.—Use for immoral purposes.
§ 24-121. Iceboxes and other containers—Abandonment.
§ 24-122. Immoral solicitations, etc.
§ 24-123. Indecent exposure.
§ 24-124. Jewelers—To keep record of watch repairs.
§ 24-125. Loitering.
§ 24-126. Misrepresentation as to destitute condition.
§ 24-127. Obscene literature, pictures, etc.—Display for sale prohibited.
§ 24-128. Same—To be destroyed upon conviction of violation.
§ 24-129. Officers—Obstructing, hindering, etc.
§ 24-130. Paupers—Landing in city.
§ 24-131. Public assemblies.
§ 24-132. Public drunkenness.
§ 24-133. Public property generally—Injuring, defacing, etc.
§ 24-134. Religious assemblies—Disturbing.
§ 24-135. Sale of merchandise generally—False representations.
§ 24-136. Same—Prohibited if not covered by city license.
§ 24-137. Slingshots—Use prohibited.
§ 24-138. Soliciting trade in front of business.
§ 24-139. Swimming prohibited in certain waters.
§ 24-140. Tag days—Permit.
§ 24-141. Telephone—Improper use.
§ 24-142. Throwing stones, etc., prohibited.

§ 24-143. Trains—Improper boarding, riding, etc.
§ 24-144. Transportation of women for immoral purposes.
§ 24-145. Trees—Cutting, injuring, etc.

Sec. 24-101. Begging.

It shall be unlawful for any person to beg or solicit money or aid in his own behalf in any place of business, house or upon any of the streets of the city. (Code 1945, § 42-113.)

Sec. 24-102. Consorting for immoral purposes.

It shall be unlawful for two or more persons to consort or gather together for licentious, lewd or immoral purposes in any house, outhouse or automobile, or in any public place in the city. (Code 1945, § 41-103.)

Sec. 24-103. Disorderly conduct generally.[6]

It shall be unlawful for any person to disturb the peace and quiet of the city in any manner whatsoever or to be guilty of any riotous, disorderly or improper conduct. (Code 1945, § 41-102.)

Sec. 24-104. Disorderly houses.[7]

It shall be unlawful for any person to keep a house for any immoral or disorderly purpose within the limits of the city.

Whenever any riotous, boisterous, noisy or disorderly conduct shall occur in any house or enclosure in the city, to the annoyance of the people of the city, or any portion of them, it shall be the duty of the police who may know of, or whose attention may be called to such conduct, to request admission into the premises for the arrest and removal of the offender or offenders; and if such request, when made is not given by the person having the management, control or government of such premises, then such person having such management, control or government shall be deemed to be the offender and shall be subject to the penalty as prescribed in section 2-105 of this Code. (Code 1945, §§ 41-102, 47-134.)

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6. As to disorderly conduct in cemeteries, see § 10-143. As to disorderly conduct in poolrooms and bowling alleys, see § 28-122.
7. For state law as to disorderly houses, see Ga. Code Ann., § 26-6103.

Sec. 24-105. Firearms [8]—Sale [9]—Report and record.

Any person conducting any business in the city wherein pistols, firearms and weapons of like nature are sold shall, before selling to any person such a weapon, secure the name of the person, his address, the occupation in which he is engaged and the federal social security number of such person, if he is required to have one. The person selling such weapon shall also write a complete description of the weapon sold and shall, within a period of twenty-four hours from the sale of the same, furnish a complete report, in writing, showing all the above information to the chief of police, who shall keep and maintain the same as a permanent record. Such record shall be open to the public inspection and shall be kept and maintained in the police department under the supervision of the chief of police. (Code 1945, §§ 58-228, 58-229.)

Sec. 24-106. Same—Same—Purchaser must have permit or license.

No person shall sell or deliver to any purchaser a pistol or firearm of similar character until and unless the purchaser has presented to the seller a permit or license issued under existing state law [1] authorizing the purchaser to carry such weapon. (Code 1945, § 58-228.)

Sec. 24-107. Same—Same—False information by purchaser.

It shall be unlawful for any person seeking to purchase a pistol, firearm or similar weapon to give false information as to his name, residence, occupation or federal social security number. (Code 1945, § 58-230.)

Sec. 24-108. Same—Same—False information by seller.

It shall be unlawful for any person required to make the report provided for in section 24-105 of this Code to intentionally furnish wrong information to the police department in such report. (Code 1945, § 58-231.)

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8. As to prohibition against discharging firearms in cemeteries, see § 10-152.

9. As to approval of the sale of firearms by pawnbrokers, see § 25-119.

1. See Ga. Code Ann., §§ 26-5103 et seq.

Sec. 24-109. Same—Destruction when seized.

Whenever any firearm or weapon is seized by the police authorities of the city and has not been licensed as provided by law,[2] the police authorities shall deliver such weapon to the city marshal, for the purpose of being destroyed, after the case in which instance the weapon or firearm seized has been disposed of. Such firearms or weapons shall be destroyed by the city marshal in the daytime at the city lots in the presence of at least two police officers, and the destruction shall be of such a nature that such weapons cannot be repaired or used again for any offensive purposes. (1-21-55, §§ 1, 2.)

Sec. 24-110. Fire, bankrupt, etc., sales.

It shall be unlawful for any person advertising by newspaper, radio, posters or otherwise to represent that he is operating, offering or maintaining "fire sales," "wreck sales," "bankrupt sales" or "going out of business sales" and similar businesses whereby the public is led to believe that they are being offered merchandise at reduced rates on account of fires, wrecks, bankruptcies, closing out or discontinuance of business when, in fact, such sales are not bona fide.

It shall also be unlawful for any person, conducting any sale, except judicial sales, whether the same is by auction or otherwise, of any goods, wares or merchandise which are claimed to be or have been in or damaged by fire, or which are claimed to be or have been sold or purchased on account of any fire, or which are or have been, or which are claimed to be the property of any bankrupt person who has failed in business or has made a general assignment, or is or has been in voluntary or involuntary bankruptcy, or which are being sold or offered for sale in any other way than through the usual channels of trade, to sell or offer for sale in such sale any goods, wares or merchandise not so affected or damaged, or to add to or to permit to be added to, or to bring into or permit to be brought into any store, warehouse or any building in the city, for the purpose of adding to such goods, wares or merchandise so circumstanced or affected and which are on hand in any such store, warehouse or other building for the purpose of being sold at such sale. (Code 1945, § 58-210.)

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2. See Ga. Code Ann., §§ 26-5103 et seq.

Sec. 24-111. Fortunetelling, palmistry, etc., prohibited.

It shall be unlawful for any person to engage in the business or practice of fortunetelling, palmistry or chiromancy for a valuable consideration, whether by fee, gifts or otherwise, within the corporate limits of the city. (Code 1945, § 42-111.)

Sec. 24-112. Funeral home permit—Required.

It shall be unlawful for any person desiring to operate or maintain a funeral home or mortuary in the city to do so until such person shall have first obtained from the city council a permit to construct and operate such funeral home or mortuary. (9-8-50, § 1.)

Sec. 24-113. Same—Application.

Any person desiring to construct, operate or maintain a funeral home or mortuary shall file an application so to do with the clerk of the city council. Such application for a permit shall be advertised in the official gazette of the city a week before a hearing thereon before the council. Payment for the advertisement shall be made by the applicant at the time of the filing of the application for a permit. (9-8-50, §§ 1, 2.)

Sec. 24-114. Same—Denial.

If it shall appear at the hearing referred to in the preceding section that any of the residents or property owners within six hundred feet in all directions from the site of the proposed funeral home or mortuary shall object to the construction, operation and maintenance of such business, the council may, in its discretion, refuse to permit the construction, operation and maintenance of the home. (9-8-50, § 2.)

Sec. 24-115. Gambling [3]—General prohibition.

It shall be unlawful for any person to engage or participate in any game of chance or gambling of any nature or for two or more

3. For state law as to gambling, see Ga. Code Ann., §§ 26-6401 to 26-6412.

As to trade stimulating or mechanical game devices, see §§ 28-101 et seq. As to prohibition against coin-operated machines used for gambling, see § 28-106.

persons anywhere within the jurisdictional limits of the city to assemble for the purpose of gambling. (Code 1945, § 58-221.)

Sec. 24-116. Same—Possession of paraphernalia.

It shall be unlawful within the corporate and police jurisdictional limits of the city for any person to have or possess on his person or in any house or building, or to carry around on his person or in any automobile or other vehicle, except for bona fide use as evidence in a court of law, any of the following:

(a) Any ticket, token, book, paper or instrument, or duplicate thereof, representing or purporting to represent any share or interest in any lottery or in any gambling game, scheme or boledo, or any marker, stencil, instrument or paper or book representing or purporting to represent, or used in any manner to indicate the winning numbers, figures or characters in any lottery or gambling game, scheme or device.

(b) Any wheel, box, bag, balls, tickets or devices with numbers on them, whether written or printed, which are commonly used in connection with any lottery or lottery scheme or device, or with lottery gambling games or devices.

(c) Any paper, book, instrument, stamp or device used or intended to be used in or for contriving or setting up, preparing, making, writing, printing, stamping or getting ready for sale or distribution any lottery ticket or any ticket to be used in lottery or gambling games, schemes or devices.

(d) Any instrument, device, placard or book representing or purporting to represent or to indicate or give information on any horse race.

(Code 1945, §§ 40-110, 58-221.)

Sec. 24-117. Same—Frequenting gambling places.

It shall be unlawful for any person to be a visitor to or a loiterer around any room or place or around any street, lane, alley, automobile or other vehicle where any lottery or gambling game, scheme or device is situated or being carried on, or is about to be contrived, prepared or set up, or where any ticket of any such lottery or gambling game or device is registered, or where any lottery drawing is to take place or any lottery prize is to be awarded or paid off; all such rooms, automobiles, vehicles, places and locations being hereby declared to be injurious to the public

morals and public welfare and to the peace and good government of the inhabitants of the city. (Code 1945, § 40-111.)

Sec. 24-118. Green hides—Curing and storing.

It shall be unlawful for any person to operate or maintain a business of curing or storing green hides within the corporate limits of the city, except at such places as may be approved by the mayor and aldermen. (Code 1945, § 42-112.)

Sec. 24-119. Guano—Storage in certain area prohibited.

It shall be unlawful for any person to store guano in any part of the city east of the Ogeechee Canal or west of a line drawn southwardly from the mouth of Lamar's Creek or anywhere south of the south line of Bay Street, along Canal Street on the west to the Ogeechee Canal, and Bay Street extended on the east to Lamar's Creek. (Code 1945, § 42-105.)

Sec. 24-120. Hotels, inns, etc. — Use for immoral purposes.[4]

It shall be unlawful for any person owning, operating or connected with any hotel, boardinghouse, inn or tavern to knowingly have, retain, employ, allow or permit any of his employees to solicit any person for the purpose of having such person use the hotel, boardinghouse, inn or tavern for immoral purposes, or to meet any person at the hotel, boardinghouse, inn or tavern for any immoral purpose. (Code 1945, § 41-101.)

Sec. 24-121. Iceboxes and other containers — Abandonment.

It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has air-tight door or lock which may not be released for opening from the inside of the icebox, refrigerator or container. It shall also be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or

4. As to occupancy of rooms in tourist camps, roadhouses and similar places for immoral purposes, see § 34-110.

any other container of any kind which has an air-tight snap-lock or other device thereon, without first removing the snap-lock or doors from the icebox, refrigerator or container. (10-18-53, § 1.)

Sec. 24-122. Immoral solicitations,[5] etc.

It shall be unlawful for any person within the limits of the city to invite or entice any person to accompany, go with or follow him to any place for immoral purposes, or to invite, entice or address any person from any door, window, porch or portico of any house or building to enter any house, go with or accompany, or follow him to any place whatsoever for immoral purposes. It shall likewise be unlawful for any person to give information about or direct any other person to any house or place for immoral purposes or to any immoral woman, whether the communication is by word of mouth, direct or by telephone or in writing. (Code 1945, § 41-101.)

Sec. 24-123. Indecent exposure.[6]

It shall be unlawful for any person to appear in any street, lane, square or other public place in the city in a state of nakedness or to in any manner whatsoever wilfully make an indecent exposure of his person. (Code 1945, § 40-101.)

Sec. 24-124. Jewelers—To keep record of watch repairs.

It shall be the duty of all jewelers and jewelry establishments in the city to keep a record of all watches received for repairs, showing the numbers of such watches and the names and addresses of the parties from whom received. (Code 1945, § 58-132.)

Sec. 24-125. Loitering.

It shall be unlawful for any person to stand around or assemble on any of the sidewalks, streets or bridges or in and around any alley, railroad yard, railroad depot, poolroom or refreshment place in the city and loaf, loiter or idle or engage in any boisterous conduct or noise to be the disturbance of others.

5. For state law as to soliciting or procuring prostitution, see Ga. Code Ann., § 26-6201.

6. For state law relative to lewdness and public indecency, see Ga. Code Ann., § 26-6101.

It shall be unlawful for any unemployed person, or person not engaged in a lawful business or profession, to be found idling, loitering or loafing upon the streets of the city, regardless of his income, property or means of support. (Code 1945, § 41-111.)

Sec. 24-126. Misrepresentation as to destitute condition.

It shall be unlawful for any person to give or convey, either directly or indirectly, to the mayor and aldermen of the city, or to any of its agents, servants or employees, or to any charitable or benevolent organization, any false or misleading information or to be guilty of any misrepresentation of facts relating to his destitute or needy condition, for the purpose or with the effect of securing from them or either of them any aid or assistance in any form whatsoever. (Code 1945, § 37-127.)

Sec. 24-127. Obscene literature, pictures, etc.—Display for sale prohibited.[7]

It shall be unlawful for any person to display for the purpose of sale any periodicals, newspapers, magazines, pamphlets, pictures, books or other documents which tend to debauch or corrupt the morals of the public and which contain matters that are vile, lewd, lascivious, obscene and filthy. (7-11-52, § 1.)

Sec. 24-128. Same—To be destroyed upon conviction of violation.

Any and all items or articles as set forth in the preceding section which may have been seized by the police department for use as evidence shall be destroyed in the event that the person charged with such violation is convicted in the police court of the city, and in the event of such conviction, it shall be mandatory upon the court to order the destruction of such articles. (7-11-52, § 2.)

Sec. 24-129. Officers—Obstructing, hindering, etc.[8]

It shall be unlawful for any person to obstruct, hinder or resist any city officer in the discharge of any duty incumbent on him

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7. For state law as to sale of obscene pictures, books, etc., see Ga. Code Ann., § 26-6301.

8. As to resisting, opposing, etc., policemen, see § 27-107.

under this Code or other ordinances of the city. (Code 1945, § 13-119.)

Sec. 24-130. Paupers—Landing in city.

It shall be unlawful for any master, captain or commander of any steam or sailing vessel arriving in the Harbor of Savannah to land, or permit to be landed, any steerage passenger or other person likely, as a pauper, to become a charge on the city, without permission from the city manager. This section shall include within all of its provisons the landing of such persons from any railway train or car, or from any bus arriving in the city by any conductor, driver, engineer or other officer or agent of any railroad company or transportation company. (Code 1945, §§ 42-102, 42-103.)

Sec. 24-131. Public assemblies.

Any gathering or assemblage of persons in any public square or park of the city, except for the purpose of a lawful military parade in the extension of Forsyth Park, shall be unlawful without permission previously obtained from the city manager and any public assemblage or procession in any street, square or thoroughfare within the corporate limits of the city shall be unlawful without such permission. (Code 1945, § 37-117.)

Sec. 24-132. Public drunkenness.[9]

It shall be unlawful for any person to be drunk, intoxicated or under the influence of intoxicating liquors, or to be drinking alcoholic or intoxicating liquors to excess upon the streets, lanes, roads and alleys within the corporate or police jurisdictional limits of the city. It shall be further unlawful for any person to be drunk, intoxicated, under the influence of intoxicating liquors or to be drinking alcoholic or intoxicating liquors to excess in any motor vehicle upon the streets, lanes, roads and alleys within the corporate or police jurisdictional limits of the city, and the same is hereby defined and declared to be improper, indecent or disorderly conduct and injurious to the public morals and public safety of the citizens of the city. (Code 1945, § 40-114.)

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9. As to alcoholic beverages, see Tit. 5.

Sec. 24-133. Public property generally — Injuring, defacing, etc.[1]

It shall be unlawful for any person to injure, deface or otherwise damage in any manner any public property.

Sec. 24-134. Religious assemblies—Disturbing.[2]

It shall be unlawful for any person to disturb any congregation assembled at any church or public place of worship to perform divine service, or to cause any riot or disturbance thereabout or therein. (Code 1945, § 41-110.)

Sec. 24-135. Sale of merchandise generally — False representations.

It shall be unlawful for any person engaged in business in the city to falsely represent, by advertisement or otherwise, that the goods, wares or merchandise which such person offers for sale are of a certain brand or quality, or that the goods will be sold at a certain percentage of their cost price or value, and shall then sell goods, wares or merchandise of a brand or quality inferior to that represented or advertised or shall sell such goods, wares or merchandise at a higher per cent of their cost value than represented or advertised. (Code 1945, § 58-210.)

Sec. 24-136. Same — Prohibited if not covered by city license.

It shall be unlawful for any person to sell, offer for sale or keep for sale in his place of business any beverage, commodity or article of merchandise which he is not permitted to sell under the terms of the license issued for his place of business by the city or which is not covered by or included in such license. The presence of any such beverage, commodity or article of merchandise in the place of business of any such person shall be held to be prima facie evidence that the same is processed for the purpose of illegal sale

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1. As to injury to markers erected by the director of public improvements, see § 3-508. As to injuring cemetery property, see §§ 10-133 et seq. As to defacing, tampering with, etc., parking meters, see § 22-212. As to interfering with or damaging water pipes, mains, etc., see § 37-229.

2. For state law as to disturbing religious assemblies, see Ga. Code Ann., § 26-6901.

and the burden shall be upon the accused to explain such possession in any trial involving a violation of this section. (Code 1945, § 42-109.)

Sec. 24-137. Slingshots—Use prohibited.

It shall be unlawful for any person to use any sling or instrument for throwing projectiles or to throw any stone or other missile from such sling or instrument, in any of the streets, lanes or squares of the city. (Code 1945, § 35-108.)

Sec. 24-138. Soliciting trade in front of business.

It shall be unlawful for any person in front of his place of business to solicit trade from persons passing on the street or sidewalk. (Code 1945, § 58-130.)

Sec. 24-139. Swimming prohibited in certain waters.

It shall be unlawful for any person to swim or bathe in the Savannah River, Musgrove Creek, Springfield Canal or the Savannah and Ogeechee Canal within the city limits. (Code 1945, §§ 40-102 to 40-104.)

Sec. 24-140. Tag days—Permit.

Whenever any person desires to sell tickets or solicit money or funds from pedestrians upon the streets of the city, or in stores and business offices, for any purpose at any time, and particularly upon days known as tag days, such person shall first secure written permission from the city manager authorizing such sale or solicitation. Such permits shall state the name of the person desiring to sell such tickets or solicit such money or funds, the object for which such money or funds is to be solicited or tickets to be sold and the day upon which the solicitation or sale will take place. (Code 1945, § 58-197.)

Sec. 24-141. Telephone—Improper use.

Any person who shall, by means of a telephone conversation, address to or of another insulting or abusive remarks or use obscene language or curse another over a telephone shall be guilty of a misdemeanor. (Code 1945, § 41-113.)

Sec. 24-142. Throwing stones, etc., prohibited.

It shall be unlawful for any person to cast, throw or fling any stones, brickbats or any other things in the squares, streets, lanes or alleys, or in any other public place in the city, or in, at or against any of the trees or boxes around the trees in the city. (Code 1945, § 351-106.)

Sec. 24-143. Trains—Improper boarding, riding, etc.

It shall be unlawful for any person to get on or off any train or to ride upon the same in the city, in any other manner than at the place and in the manner provided for the reception of passengers; and, it shall be unlawful to get on or off any train while it is in motion. This section shall not apply to railway employees boarding trains in the discharge of their duties. (Code 1945, § 35-112.)

Sec. 24-144. Transportation of women for immoral purposes.[3]

It shall be unlawful for any person to transport, or assist by aiding, abetting, encouraging, requesting or otherwise, in transporting or accompanying by any ways or means whatsoever any woman within the limits of the city for any immoral purpose. (Code 1945, § 41-101.)

Sec. 24-145. Trees—Cutting, injuring, etc.

It shall be unlawful for any person to cut, destroy or injure in any manner any of the trees in the streets or squares of any of the palings, benches or boxes around such trees. (Code 1945, § 35-104.)

3. For state law as to transportation of persons to houses of ill fame, etc., see Ga. Code Ann., § 26-6201.

TITLE 25.

PAWNBROKERS.[4]

Editor's note.—The license referred to in several sections of this title is that required by the annual revenue ordinance. This ordinance is not printed in this Code, but may be found on file in the office of the clerk of the city council.

§ 25-101. Defined.
§ 25-102. Bond.
§ 25-103. Sign.
§ 25-104. Suspension or revocation of license.
§ 25-105. Business hours.
§ 25-106. Sunday operation prohibited.
§ 25-107. Pledges to be openly displayed.
§ 25-108. Premises to be open to police.
§ 25-109. Inspection of pledges and purchases.
§ 25-110. Books to be kept—Generally.
§ 25-111. Same—When entries to be made.
§ 25-112. Same—Inspection.
§ 25-113. Same—False entries.
§ 25-114. Importation of merchandise; sale of items other than pledges prohibited.
§ 25-115. Transaction with minors prohibited.
§ 25-116. Daily report to police.
§ 25-117. Goods to be held for ten days.
§ 25-118. Exporting or selling at wholesale.
§ 25-119. Approval may be required for sale of firearms and ammunition.

Sec. 25-101. Defined.

For the purposes of this title, a "pawnbroker" is any person with whom property is deposited as security for the payment of a debt. (1-20-56, § 1.)

Sec. 25-102. Bond.

Applicants for a pawnbroker's license shall be required to give bond, with two good and approved securities to the city, in the

4. For state law as to pledges and pawns generally, see Ga. Code Ann., ch. 12-6. For authority of city to license and tax pawnbrokers and to define their powers and privileges and exercise a general superintendence over their business, see Ga. Code Ann., § 12-611.
As to junk and secondhand goods generally, see Tit. 20.

sum of three thousand dollars or such other sum as prescribed in the annual tax ordinance, conditioned to make good all damages arising from carelessness or unlawful dealings of the pawnbroker. (Code 1945, § 58-106.)

Sec. 25-103. Sign.[5]

The usual sign of three gilt balls pendent shall be affixed in a conspicuous place in front of the establishment of each pawnbroker within five days after receiving the license to do business. (Code 1945, § 58-106.)

Sec. 25-104. Suspension or revocation of license.

Any person failing to comply with any provision of this title or other ordinance or regulation passed by the council for the conduct of the business of a pawnbroker shall be subject to having his license to conduct such business revoked or suspended for a definite period, in the discretion of the council. Such forfeiture or suspension shall result from conviction in the recorder's court for a violation of any provision of this title or other ordinance or regulation covering the conduct of the business for which the license was issued. (10-28-55, § 1.)

Sec. 25-105. Business hours.

No pawnbroker shall open his place of business or conduct any business therein between the hours of 6:00 P. M. and 8:00 A. M.; provided, however, that such a place of business may remain open until 6:30 P. M. on Fridays and until 8:00 P. M. on Saturdays and, between December tenth and December twenty-eighth, such a business may remain open until 9:00 P. M. every day, Sunday excepted. (3-9-51, § 1.)

Sec. 25-106. Sunday operation prohibited.

No pawnbroker shall open his place of business or conduct any business therein on Sunday. (3-9-51, § 1.)

Sec. 25-107. Pledges to be openly displayed.

Every pawnbroker shall have his pledges openly displayed so

5. As to signs generally, see §§ 4-201 to 4-214.

that the inspection authorized by this title may be easily made. (Code 1945, § 58-107.)

Sec. 25-108. Premises to be open to police.[6]

It shall be the duty of every pawnbroker to admit to his premises the chief of police or any other police officer that may desire at any time to search for articles missing or stolen, or to make any inspection authorized by this title, without the formality of a search warrant. (Code 1945, § 58-107; 10-28-55, § 2.)

Sec. 25-109. Inspection of pledges and purchases.

All articles pledged or sold to pawnbrokers shall, at all times, be subject to inspection and examination by the police. (10-28-55, § 2.)

Sec. 25-110. Books to be kept—Generally.

All pawnbrokers shall keep books wherein shall be entered an accurate description of all property pledged or sold to them. Such description shall include the name of the maker of the article, any identifying mark or number and a statement of the kind of material of which it is made. There shall be entered also the name of the person who sold or deposited the same, the time when it was done, the amount paid or advanced and a description of the person selling or pawning, including his name, address, color and estimated weight and height. (10-28-55, § 2.)

Sec. 25-111. Same—When entries to be made.

The entries required by the preceding section shall be made as soon after the transaction as is possible and, in no event, more than one hour thereafter. (10-28-55, § 2.)

Sec. 25-112. Same—Inspection.

The books required to be kept by section 25-110 of this Code shall, at all times, be subject to inspection and examination by the police. (10-28-55, § 2.)

6. As to police generally, see Tit. 27.

Sec. 25-113. Same—False entries.

It shall be unlawful for any person engaged in the business of a pawnbroker to make any false entry in any books kept as required by section 25-110 of this Code. (10-28-55, § 2.)

Sec. 25-114. Importation of merchandise; sale of items other than pledges prohibited.

No pawnbroker shall import merchandise of any description whatsoever from without the city, or offer for sale in his establishment any merchandise whatsoever other than that upon which an actual loan has been made and a ticket given. (Code 1945, § 58-109.)

Sec. 25-115. Transactions with minors prohibited.

No pawnbroker shall receive any article in pawn or purchase any article for resale from any person under twenty-one years of age. (Code 1945, § 58-110.)

Sec. 25-116. Daily report to police.[7]

Every pawnbroker shall make a daily report, in writing, to the police department, in such form as may be prescribed by the chief of police, of all property pledged to or bought by him during the twenty-four hours ending at 9:00 P. M. on the date of the report. Such report shall be typewritten or handprinted. In addition to any other information required by the chief of police, such report shall show the name and address of the pawnbroker, the time of the transaction, the serial number or the pawn ticket given, a full description of the article, including its kind, style, material, color, design and kind and number of stones in jewelry, and all identifying names, marks and numbers. Insufficient reports shall be rejected, and any pawnbroker making them shall be deemed guilty of an offense. In addition, pawnbrokers shall make daily reports of all typewriters, adding machines and radios coming into and going out of their places of business. The daily report shall be in such form and shall contain sufficient information to identify each of such articles. (10-28-55, § 33.)

7. As to duty of pawnbrokers to report purchase of used bicycles, see § 20-119.

Sec. 25-117. Goods to be held for ten days.

If the thirty-day notice requirement of section 12-609, Code of Georgia, has been waived by contract, the following shall apply as allowed by section 12-611, Code of Georgia:

Any pawnbroker or person operating under a pawnbroker's license who takes goods on pawn or buys goods, taking full title thereto, the word "goods" being used in the broadest sense and including all kinds of personal property, shall hold such goods so taken in pawn or purchased for at least ten days before disposing of the same by sale, transfer, shipment or otherwise. This provision cannot be waived by contract, but it does not apply and is not intended to cover purchases from reputable wholesale supply houses and manufacturers. (10-28-55, § 4.)

Sec. 25-118. Exporting or selling at wholesale.

No pawnbroker doing business in the city shall ship any goods or unredeemed pledges out of the city, or sell any such goods or unredeemed pledges at wholesale, without first submitting to the city manager a list of the articles desired to be shipped out of the city or sold at wholesale, and obtaining the city manager's sanction of the shipping of such articles or their sale at wholesale. (Code 1945, § 58-112.)

Sec. 25-119. Approval may be required for sale of firearms and ammunition.[8]

Whenever the mayor shall have served written notice upon any pawnbroker doing business in the city directing him not to sell, give away or dispose of any gunpowder, cartridges, guns, pistols or other firearms to any person within the period named in such notice, unless such sale, gift or other disposition of such articles is first approved in writing by the mayor, then it shall be the duty of such pawnbroker, so notified, to retain in his possession any such gunpowder, cartridges, guns, pistols or other firearms, which he may have at the time of the reception of such notice, and to sell, give away or dispose of the same only with the written approval of the mayor. (Code 1945, § 58-113.)

8. As to sale of firearms generally, see §§ 24-105 to 24-108.

TITLE 26.

PLUMBING.[9]

Chap.
26-1. In General, §§ 26-101 to 26-109.
26-2. Inspector of Plumbing, §§ 26-201 to 26-211.
26-3. Plumbers' Proficiency Cards, §§ 26-301 to 26-318.
26-4. General Plumbing Regulations, §§ 26-401 to 26-4120.

Chapter 26-1. In General.

§ 26-101. Definitions.
§ 26-102. Board of plumbing examiners generally.
§ 26-103. General authority of director of public improvements relative to plumbing.
§ 26-104. Plumbers to submit plans for proposed work.
§ 26-105. Permit for work—Required.
§ 26-106. Same—Compliance with conditions.
§ 26-107. Who may do work.
§ 26-108. Master plumbers to register.
§ 26-109. Bond of master plumbers.

Sec. 26-101. Definitions.

For the purposes of this title, the following words and phrases shall have the meaning herein ascribed to them:

A. S. T. M. A. S. T. M. is the abbreviation for the American Society for Testing Materials.

Branch. The branch of any system of piping is that part of the system which extends horizontally at a slight grade with or without lateral or vertical arms from the main, to receive fixture outlets not directly connected to the main.

Building drain. The building drain is that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of any building and conveys the same to the building sanitary sewer.

Building sanitary sewer. The building sanitary sewer is that part of the horizontal piping of a drainage system beginning at the soil or vent stack and extending to the main trunk sewer or septic tank and conveying the drainage of but one building site.

Combination vent. A combination vent is a stack which extends above the roof and has fixtures other than water closets.

Continuous vent. A continuous vent is a pipe extending above the soil or waste branch.

Dead end. A dead end is a branch leading from a soil, waste, vent, building drain or building sewer, which is terminated at a developed distance of two feet or more by means of a cap, plug or other fitting not used for admitting water to the pipe.

Fixtures. The term "fixtures" shall include all appliances having a waste connection directly or indirectly connected to the plumbing system or water supply connected thereto.

Journeyman plumber. A journeyman plumber is a person who has sufficient practical knowledge and mechanical competency to do plumbing, gas fitting and drain laying.

Local ventilating pipe. A local ventilating pipe is a pipe through which foul air is removed from a room or fixture.

Loop or circuit vent. A loop or circuit vent is a pipe which vents a series of fixture traps on the same soil or waste branch and which is continued through the roof or reconnected into a vent stack above all fixture trap branches.

Main. The main of any system of horizontal, vertical or continuous piping is that part of such system which receives the waste, vent or revent from fixture outlets or traps, direct or through branch pipes.

Master plumber. A master plumber is a person who has theoretical and practical knowledge of plumbing, gas fitting and drain laying and the ability to prepare plans and specifications for, and to properly supervise the installation, construction, alteration or repair of plumbing, ventilating, drainage and gas fittings.

9. As to Building Code, see §§ 9-201 et seq. As to toilets and dressing rooms in meat establishments, see § 15-309. As to plumbing requirements of the Minimum Standards Housing Ordinance, see §§ 19-129 et seq. As to plumbing facilities in rooming houses, see § 19-152. As to laying water and sewer mains in subdivisions, see § 31-108. As to plumbing fixtures at trailer lots, camps and parks, see §§ 35-110 et seq. As to water, sewers and sewage disposal, see Tit. 37.

Pipe size. The given caliber or size of pipe is for a nominal internal diameter except that brass pipe, other than iron pipe size, is measured by its outside diameter. The developed length of pipe is its length along the center line of the pipe and fittings.

Plumbing. The word "plumbing" shall mean the profession, art or trade of, and all work done and all materials used in and for: (a) Introducing, maintaining and extending a supply of water through a pipe or any appurtenance thereof, in a building, lot, premises or establishment; (b) installing, connecting or repairing any system of drainage whereby foul waste, rain or surplus water, gas, odor, vapor or fluid is discharged or proposed to be discharged through a pipe from any building, lot, premises or establishment; (c) connecting any building, lot, premises or establishment with any service pipe, water pipe, main public or other underground structure; and, (d) performing all classes of work generally done by plumbers.

Plumbing system. The plumbing system of a building includes the water supply distributing pipes, the fixtures and fixture traps, the soil, waste and vent pipes, the building drain and building sanitary sewer, the storm water drainage and all devices, appurtenances and connections pertaining thereto.

Septic tank. A septic tank is a water-tight receptacle so constructed as to accomplish the disintegration and decomposition of sewage.

Sewage. Sewage is any liquid waste containing animal and vegetable wastes in solution, and may include liquids from laboratories or industrial institutions containing minerals in solution.

Soil pipe. A soil pipe is any pipe which conveys the discharge of water closets with or without the discharge from other fixtures.

Soil vent. A soil vent is that part of a stack which extends above the highest installed water closet.

Stack. "Stack" is a general term for any vertical line of soil, waste or vent piping.

Storm-water drain. The storm-water drain is any pipe or drain which receives the discharge of rain water from buildings or premises, which may include the discharge of seepage of ground water, and conveys the same to any public sewer or watercourse.

Trap. A trap is a fitting or a device so constructed as to prevent

the passage of air or gas through a pipe without materially affecting the flow of sewage or waste water through it.

Trap seal. The trap seal is the vertical distance between the crown weir and the dip of the trap.

Vent pipe. A vent pipe is any pipe provided to ventilate a building drainage system and to prevent siphonage and back pressure.

Waste pipe. A waste pipe is any pipe which receives the discharge of any fixture, except water closets, and conveys the same to the building drain, soil or waste stacks. When such pipe does not connect directly with a building drain or soil stack it is termed a "special waste."

Water distribution pipes. Water distribution pipes are those which convey water from the service pipe to the plumbing fixtures.

Water service pipe. The water service pipe is the pipe from the water main to the building served.

Wet vent. A wet vent is a pipe where the vent of one fixture is used as the waste for other minor fixtures. (Code 1945, § 62-203; 9-9-49, § 6.)

Sec. 26-102. Board of plumbing examiners generally.

The board of plumbing examiners shall consist of the director of the department of public improvements, the superintendent of the water department, the plumbing inspector, one master plumber and one journeyman plumber. The latter two shall be appointed by the mayor. All the plumbing done in the city shall be under the supervision of the board of plumbing examiners. (3-18-55, § 1.)

Sec. 26-103. General authority of director of public improvements relative to plumbing.

The director of public improvements, acting through the inspector of plumbing, shall be the judge of the quality of material and workmanship put into plumbing work and the construction of this title. Should any person be dissatisfied with the decision of the director, appeal from his decision must be made at once in writing to the board of plumbing examiners, stating full particulars of disputed points. A copy of such appeal shall be furnished the director within forty-eight hours after the decision of which com-

plaint is made. In the absence of such appeal, the decision as rendered, shall be final. (12-22-47, § 4.)

Sec. 26-104. Plumbers to submit plans for proposed work.

It shall be the duty of every plumber, before proceeding with the construction of any new work or reconstruction of any old work, to submit to the inspector of plumbing a complete set of plans showing the proposed work to be done. (9-9-49, § 1.)

Sec. 26-105. Permit for work—Required.

No plumbing work shall be done without a signed permit therefor from the inspector of plumbing. (9-9-49, § 1.)

Sec. 26-106. Same—Compliance with conditions.

The conditions of any permit issued by the inspector of plumbing authorizing plumbing work must be strictly complied with. (9-9-49, § 1.)

Sec. 26-107. Who may do work.

No plumbing work shall be constructed within the corporate limits of the city by any person, other than a master plumber or by a journeyman plumber working under the supervision and direction of a master plumber, whenever the work involved is of such a nature that the pipes, vessels, articles, sinks, drains, and the like, connect or tie into the water system of the city or to neighboring communities. The intent and purpose of requiring this type of work to be performed by a master plumber or under his direction is because of the danger of contaminating or polluting the water system of the city. All plumbing work must be done by the plumber in whose name the permit authorizing such work was given or by one of such plumber's employees. (9-9-49, § 1.)

Sec. 26-108. Master plumbers to register.

A master plumber, before doing any business as such, must register his name and place of business in the office of the clerk of the council, and he must give notice at once to the clerk of the council of any change in his place of business. (Code 1945, § 62-193.)

Sec. 26-109. Bond of master plumbers.

Every master plumber shall present his proficiency card obtained in accord with this title to the clerk of council and then file with the clerk a bond payable to the mayor and aldermen of the city, with two or more sureties to be approved by the clerk of council, in the sum of five hundred dollars, conditioned that he will discharge his duties as a plumber in accordance with the provisions of this title and other ordinances of the city. Upon the filing and approval of such bond, the clerk of council shall sign a certification on the reverse side of the proficiency card, certifying that the master plumber has complied with the requirements of this section. (Code 1945, § 62-193.)

Chapter 26-2. Inspector of Plumbing.

§ 26-201. Office created.
§ 26-202. Appointment.
§ 26-203. Qualifications.
§ 26-204. Bond.
§ 26-205. Not to be associated with private firm.
§ 26-206. Control of methods and materials used in plumbing or drainage system.
§ 26-207. Inspection of new work.
§ 26-208. Right of entry.
§ 26-209. Condemnation of faulty plumbing or drainage.
§ 26-210. Records and reports.
§ 26-211. Miscellaneous duties.

Sec. 26-201. Office created.

There is hereby created the office of inspector of plumbing for the city.

Sec. 26-202. Appointment.

The inspector of plumbing shall be appointed by the city manager.

Sec. 26-203. Qualifications.

The person appointed to the office of inspector of plumbing shall be a licensed plumber and shall have had at least ten years' practical experience in plumbing. (Code 1945, § 62-188; 12-22-47, § 3.)

Sec. 26-204. Bond.

The inspector of plumbing shall give bond, with a surety acceptable to the mayor and aldermen in the sum of two thousand dollars, conditioned for the faithful performance of the duties of his office. (Code 1945, § 62-189.)

Sec. 26-205. Not to be associated with private firm.

The inspector of plumbing and his assistants shall not be directly or indirectly engaged in any way with any firm or corporation engaged in the business of contracting or installing plumbing. (Code 1945, § 62-188.)

Sec. 26-206. Control of methods and materials used in plumbing or drainage system.

The inspector of plumbing shall, under the direction of the director of public improvements, have control and supervision of the methods and materials used in any part of a plumbing or drainage system. (12-22-47, § 4.)

Sec. 26-207. Inspection of new work.

The inspector of plumbing shall inspect all houses in the course of erection, alteration or repair, as often as may be necessary, and shall see that all the plumbing, drainage and sewerage work is done in accordance with the provisions of this title. (12-22-47, § 4.)

Sec. 26-208. Right of entry.

The inspector of plumbing is empowered and authorized to enter into or upon any public or private building or premises for the purpose of examining, inspecting or testing the plumbing, drainage, sewerage or ventilation within such building or premises. (Code 1945, § 62-201.)

Sec. 26-209. Condemnation of faulty plumbing or drainage.

The inspector of plumbing shall have the power to condemn any plumbing or drainage work installed in the city when, in his opinion, such work is unsanitary and dangerous to the health of

the community in which the work is located. He shall examine all premises about which a complaint of the plumbing or drainage is made and upon evidence of the unsanitary or unfinished condition thereof, shall condemn the same and notify the owner or agent of such premises to arrange the plumbing or drainage thereof according to the requirements of this Code. Such notice shall be made in writing or verbally. Any person failing to place the plumbing of such premises or building in a proper and sanitary condition, as instructed by the inspector, within the time fixed by the inspector, shall be subject to prosecution. (Code 1945, § 62-202; 12-22-47, § 4.)

Sec. 26-210. Records and reports.

The inspector of plumbing shall keep a daily record of all inspections made or complaints received and investigated, plans and specifications examined, notices served, permits issued, fees collected, applicants for certificates and all other services performed by his office and shall make a report of the same to the director of public improvements every month. This report shall cover all plumbing work done in the city. All plumbing work shall be frequently inspected and shall be performed in strict accordance with this title and a list of imperfect plumbing that comes under the observation of the inspector shall be kept in his office for an open inspection. (Code 1945, § 62-196.)

Sec. 26-211. Miscellaneous duties.

Other duties, in addition to those specified elsewhere in this title, of the inspector of plumbing shall be:

(a) The examination and approval of plans and specifications.
(b) The issuance of permits.
(c) The inspection of plumbing, drainage and sanitation.
(d) The conduct of tests.
(e) The issuance of certificates of inspection and approval.
(f) The arrest and prosecution of offenders.
(g) Advisory service to the public in matters of plumbing regulations.
(h) The reinspection and sanitary maintenance of plumbing.

(12-22-47, § 4.)

Chapter 26-3. Plumbers' Proficiency Cards.

Article I. In General.

§ 26-301. Required.
§ 26-302. Prerequisite to issuance of license.
§ 26-303. Signing.
§ 26-304. Who entitled to receive master's card.
§ 26-305. Issuance.
§ 26-306. Renewal.
§ 26-307. Denial.
§ 26-308. Use by another prohibited.
§ 26-309. Revocation.

Article II. Examination of Applicants.

§ 26-310. Required.
§ 26-311. When held.
§ 26-312. General nature.
§ 26-313. Contents—For journeying plumbers.
§ 26-314. Same—For master plumbers.
§ 26-315. Fees.
§ 26-316. Applicant to furnish material.
§ 26-317. May be written or oral; exception.
§ 26-318. Rules, etc., of board of plumbing examiners.

ARTICLE I. IN GENERAL.

Sec. 26-301. Required.

Every master and journeyman plumber must obtain from the board of plumbing examiners a proficiency card certifying that he has successfully passed the examination prescribed by the board. It shall be unlawful for any person to do any plumbing work without first obtaining a proficiency card from the board of plumbing examiners. (Code 1945, §§ 62-193, 62-194.)

Sec. 26-302. Prerequisite to issuance of license.

The city marshal shall not issue a business license to a master plumber, unless such plumber presents a proficiency card issued as prescribed in this article.

Sec. 26-303. Signing.

The proficiency card for a master or journeyman plumber must be signed by the plumber or the board of plumbing examiners

and countersigned by the inspector of plumbing. (Code 1945, § 62-193.)

Sec. 26-304. Who entitled to receive master's card.

A master plumber's proficiency card shall be issued only to a plumber who has previously held a journeyman plumber's proficiency card for a period of two years or has had experience equivalent thereto and has successfully passed the examination prescribed for master plumbers. (9-9-49, § 1.)

Sec. 26-305. Issuance.

When an applicant successfully passes the examination provided for in this chapter, the board of plumbing examiners shall issue a proficiency card certifying that the applicant has successfully passed the examination prescribed by the board for either master or journeyman plumbers. (Code 1945, § 62-191.)

Sec. 26-306. Renewal.

Proficiency cards issued under this chapter shall be renewed annually and a fee therefor of one dollar shall be paid by both master and journeyman plumbers. This fee shall be used for the purpose of purchasing cards and other supplies. (Code 1945, § 62-191.)

Sec. 26-307. Denial.

Whenever the applicant for either a master or a journeyman plumber's proficiency card shall fail to pass the examination provided for in this chapter, comprised of both theoretical and practical parts, the board of plumbing examiners shall refuse to cause a card to be issued to him as either a journeyman or master plumber, and shall notify him of this result by causing a written notice to be sent to his last-known address as given the board by the applicant. Within ten days from the date such notice was placed in the mail, the applicant shall have the right to appeal to a jury in the superior court of Chatham County, or the right, within the time provided by law, to certiorari the action of the board of plumbing examiners to the superior court of Chatham County. In the event the applicant appeals, the proceedings shall be tried in the superior court as a de novo proceeding. In the event the applicant applies for certiorari, the entire record, includ-

ing, but not limited to, the questions, answers, diagrams, exhibits and practical work of the applicant shall be forwarded by the board of plumbing examiners, together with their answer, to the superior court in order that the certiorari may be heard and determined. (7-24-53, § 2.)

Sec. 26-308. Use by another prohibited.

No plumber shall allow his name or proficiency card to be used by any person, directly or indirectly, for the purpose of obtaining a permit or of doing work under his card. In case this section is violated, both the plumber and the person using the plumber's card shall be deemed equally guilty. (Code 1945, § 62-199.)

Sec. 26-309. Revocation.[1]

If any plumber is found incompetent the inspector of plumbing shall report his name to the board of plumbing examiners, who shall have the authority to revoke his proficiency card. In the event a plumber violates any provision of this title or other plumbing laws or regulations, the board of plumbing examiners shall have the authority to revoke the proficiency card of such plumber. Where a card is so revoked, an additional card shall not be granted by the board of plumbing examiners, except by approval of the city council. (Code 1945, § 62-203; 12-22-47, § 5.)

ARTICLE II. EXAMINATION OF APPLICANTS.

Sec. 26-310. Required.

It shall be the duty of the board of plumbing examiners to examine and pass upon the qualifications of all persons who desire to obtain a proficiency card as a master or journeyman plumber. (Code 1945, § 62-191.)

Sec. 26-311. When held.

Examinations for journeyman and master plumbers' proficiency cards shall be given semiannually on the second Monday of January and on the second Monday of July. Examinations may be given at other times, if, after a special written request to the board of examiners stating the urgency, the board shall deem it advisable. (9-9-49, § 1.)

1. As to revocation of a plumber's license for making sewer connections outside the city limits without a permit therefor, see § 37-501.

Sec. 26-312. General nature.

The examination given applicants for a plumber's proficiency card shall be such as to satisfy the board of plumbing examiners as to the applicant's qualifications as a plumber and his familiarity with the plumbing regulations of the city. In giving the examination, the board shall require of each applicant only that type of proficiency which is required in the plumbing profession or trade of persons undertaking to follow that particular type of vocation. Character of the examination to be given should be limited to such matters as would test the applicant's ability to do and perform safe and satisfactory plumbing work and to protect the public from inferior skill and workmanship. (Code 1945, § 62-191; 9-9-49, § 1.)

Sec. 26-313. Contents—For journeyman plumbers.

The examination for a journeyman plumber's proficiency card shall consist of:

(1) Not less than thirty nor more than fifty practical questions on plumbing, testing the practical knowledge and mechanical competency of the applicant to do plumbing, gas fitting and drain laying.

(2) A test of the applicant's ability to properly prepare and wipe a four-inch lead pipe joint.

(3) A test of the applicant's ability to properly prepare and wipe a one and one-half inch round joint.

(9-9-49, § 1.)

Sec. 26-314. Same—For master plumbers.

The examination for a master plumber's proficiency card shall consist of:

(1) Not less than forty nor more than one hundred practical questions on plumbing.

(2) A test of the applicant's ability to properly prepare and wipe a four-inch lead pipe joint.

(3) A test of the applicant's ability to properly prepare and wipe a one and one-half inch or two-inch round joint.

(4) A test of the applicant's ability to properly prepare and wipe one branch joint.

(5) A test of the applicant's ability to correctly lay out the plumbing, showing horizontal and vertical piping in a drafted

form, consisting of water service and disposal of water, waste and solids from a maximum of sixty fixtures or pieces of equipment.

(6) A test of the applicant's theoretical and practical knowledge of plumbing, gas fitting and drain laying and ability to prepare plans and specifications for, and to properly supervise the installation, construction, alteration and repair of, plumbing, ventilating, drainage and gas fittings.

(9-9-49, § 1.)

Sec. 26-315. Fees.

Each applicant for a master plumber's examination shall pay the sum of twenty-five dollars and each applicant for a journeyman plumber's examination shall pay the sum of ten dollars, which sums are to bear the cost of examination. (Code 1945, § 62-191.)

Sec. 26-316. Applicant to furnish material.

The applicant for an examination under this article shall furnish material as prescribed by the board of plumbing examiners. (Code 1945, § 62-191.)

Sec. 26-317. May be written or oral; exception.

The board of plumbing examiners may require both an oral and written examination of an applicant for a plumber's proficiency card, except in cases where, due to the lack of general education, the applicant is unable to stand a written examination, in which case the board, when acquainted with such fact, shall be required to give to such applicant an oral examination covering all the subjects and all the matters which it otherwise would have given in a written examination. (9-9-49, § 1.)

Sec. 26-318. Rules, etc., of board of plumbing examiners.

The board of plumbing examiners shall have the full power to prescribe the rules and regulations governing examinations provided for in this article and to prescribe forms to be used in applying for such examinations. (Code 1945, § 62-191.)

Chapter 26-4. General Plumbing Regulations.

§ 26-401. Applicability of chapter.
§ 26-402. Work to be done in accord with approved plans.
§ 26-403. Work to be done in workmanlike manner.
§ 26-404. System to be maintained in sanitary condition.
§ 26-405. Systems to be separate, etc.
§ 26-406. Water supply and sewerage facilities required.
§ 26-407. Sewer connections required.
§ 26-408. Fixtures generally.
§ 26-409. Water closets, sinks, etc., required.
§ 26-410. Size of pipes conveying water to water closets.
§ 26-411. Design, construction, etc., of drainage system generally.
§ 26-412. Drainage pipes to be leakproof.
§ 26-413. Cleanouts required for drainage system.
§ 26-414. Pipes to have adequate circulation; requirements for pipe cleanouts generally.
§ 26-415. Harmful substances not to enter system.
§ 26-416. Food receptacles not to be connected with drainage system.
§ 26-417. Ventilation in bathrooms.
§ 26-418. Septic tanks—Required in certain cases.
§ 26-419. Same—Approval; specifications.
§ 26-420. Same—Inspection.
§ 26-421. Protection from back flow of sewage.
§ 26-422. Flushing apparatus for water closets and urinals.
§ 26-423. Size of service pipes.
§ 26-424. Elevation of service pipes.
§ 26-425. Stop cocks, drain cocks, etc.
§ 26-426. Material for water supply pipes.
§ 26-427. Used pipes not to be used for water distribution.
§ 26-428. Water heaters—Design and installation generally.
§ 26-429. Same—Relief valves.
§ 26-430. Same—Venting and inspection.
§ 26-431. Building sewers generally.
§ 26-432. Separate trenches required for building sewers.
§ 26-433. Proximity of water pipes and sewers.
§ 26-434. Interior excavations.
§ 26-435. Laying of sewers or drains near bearing or foundation walls.
§ 26-436. Lifting of sewage and waste.
§ 26-437. Temperature of liquid waste.
§ 26-438. Connections for exhaust, drip, etc., pipes from steam boilers.
§ 26-439. Conductors and soil, waste, etc., pipes not to be interchanged.
§ 26-440. Connections of overflow pipes from cisterns, supply tanks, etc.
§ 26-441. Supervision of sewer connections.
§ 26-442. Obstructing public sewers.

§ 26-443. Fixtures placed one above the other.
§ 26-444. Fixtures to be installed open and pipes run to wall.
§ 26-445. Water closet bowls and traps to be made in one piece, etc.
§ 26-446. Certain fixtures prohibited.
§ 26-447. Style of water closet seats.
§ 26-448. Venting required for fixtures installed in outbuildings.
§ 26-449. Removal of fixtures or disconnecting sewer lines.
§ 26-450. Horizontal piping generally.
§ 26-451. Venting of toilets on horizontal runs or vertical stacks.
§ 26-452. Changes in grade and direction of soil and waste lines.
§ 26-453. Use of double hubs, sanitary T's, etc.
§ 26-454. Use of defective materials prohibited.
§ 26-455. Specifications for brass, copper, etc., pipes.
§ 26-456. Quality and weight of lead pipe, bends and traps.
§ 26-457. Weight of sheet lead.
§ 26-458. Brass caulking ferrules.
§ 26-459. Joints generally—To be gastight and watertight.
§ 26-460. Same—On vitrified clay pipe.
§ 26-461. Same—To be wrapped in certain cases.
§ 26-462. Same—To be full-wiped, etc., in certain cases.
§ 26-463. Same—Requirements when caulked.
§ 26-464. Same—To be watertight at roof.
§ 26-465. Floor connections.
§ 26-466. Connections between different size pipes.
§ 26-467. Toggle bolts to be used at certain connections.
§ 26-468. Material for inside soil, waste, etc., pipes.
§ 26-469. Extra heavy pipe to be used in certain buildings.
§ 26-470. Size of pipe for sink wastes, etc.
§ 26-471. Fixture unit discharge.
§ 26-472. Soil and waste stacks generally.
§ 26-473. Soil, waste, etc., stack extensions.
§ 26-474. Vent pipes not to terminate under overhang.
§ 26-475. Seal traps required; location of traps generally.
§ 26-476. Protection of fixture trap against siphonage, etc.
§ 26-477. Placement of traps in relation to vents.
§ 26-478. Connection of main vents and vent stacks.
§ 26-479. Slope of vent pipes, etc.
§ 26-480. Circuit or loop vents.
§ 26-481. Replacement of fixtures.
§ 26-482. Replacement of traps under fixtures.
§ 26-483. Certain traps must not be back vented.
§ 26-484. Certain traps to be vented.
§ 26-485. Vent sizes.
§ 26-486. Horizontal vents prohibited below spill line.
§ 26-487. Installation of waste pipe on combines waste and vent system.
§ 26-488. Material for lavatory, sink, etc., traps.

§ 26-489. Traps using movable parts, etc., prohibited.
§ 26-490. Drum traps for baths.
§ 26-491. Use of anti-siphon traps.
§ 26-492. Traps to be level in relation to water seals.
§ 26-493. Cleanouts on concealed traps.
§ 26-494. Minimum size of waste and vent pipes.
§ 26-495. Cellar and basement floor drains.
§ 26-496. Back-water valves.
§ 26-497. Installation of fixtures below street grade level.
§ 26-498. Gas and oil trap required for certain establishments.
§ 26-499. Grease traps.
§ 26-4100. Refrigerator drainage generally.
§ 26-4101. Discharge of supply tank pipes and exhaust from water lift.
§ 26-4102. Discharge of acid liquid wastes.
§ 26-4103. Swimming pools—Showers.
§ 26-4104. Same—Floor drains.
§ 26-4105. Same—Scum gutters.
§ 26-4106. Same—Water closets.
§ 26-4107. Pipe openings and chases to be enclosed or sealed.
§ 26-4108. Inspections and tests—Generally.
§ 26-4109. Same—Notice to inspector.
§ 26-4110. Same—Of water distribution system.
§ 26-4111. Same—Of alterations, fixtures, etc.
§ 26-4112. Same—Of conductor pipes and roof connections.
§ 26-4113. Same—Smoke or peppermint test.
§ 26-4114. Same—Water test.
§ 26-4115. Same—Hydraulic test.
§ 26-4116. Same—Removal of cleanouts.
§ 26-4117. Same—Fees.
§ 26-4118. Same—Equipment, power, etc., to be supplied by plumber.
§ 26-4119. Replacement of defective work.
§ 26-4120. Certificate of approval.

Sec. 26-401. Applicability of chapter.

The provisions of this chapter shall prevail in regulating the installation, fixtures and basic principles for all plumbing installed within the corporate limits of the city or where city water is available. (Code 1945, § 62-203.)

Sec. 26-402. Work to be done in accord with approved plans.

The installation and construction of all drainage, sewerage and plumbing work, whether public or private, shall be done in accord

with definite plans previously submitted to and approved by the inspector of plumbing. (Code 1945, § 62-203.)

Sec. 26-403. Work to be done in workmanlike manner.

All plumbing work shall be done in a workmanlike manner according to this title. (Code 1945, § 62-203.)

Sec. 26-404. System to be maintained in sanitary condition.

The plumbing system shall be maintained in a sanitary condition. (Code 1945, § 62-203.)

Sec. 26-405. Systems to be separate, etc.

The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from and independent of that of any other building, and every building shall have an independent connection with a public or private sewer, except that a building of single ownership, located on a single lot or building site, may have one sewer or approved sewerage system where a public or private sewer is available. (Code 1945, § 62-203.)

Sec. 26-406. Water supply and sewerage facilities required.[2]

All premises intended for human habitation or occupancy shall be provided with a supply of pure and wholesome water and adequate sewerage facilities. Buildings in which water closets and other plumbing fixtures exist shall be provided with a supply of water adequate in volume and pressure for flushing purposes and to keep them in a sanitary condition. (Code 1945, § 62-203.)

Sec. 26-407. Sewer connections required.

The owner of any premises, building or lot in the city, any part of which is within two hundred feet of a public sewer and water or an adequate and available extension thereof, shall make proper sewer connections for the sanitary service of the property. (Code 1945, § 62-203.)

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2. As to water and sewers generally, see Tit. 37.

Sec. 26-408. Fixtures generally.

Plumbing fixtures shall be made of smooth, nonabsorbent material, shall be free from concealed fouling surfaces and shall be set free of any enclosure. All receptacles used as water closets, urinals or otherwise for the disposal of human excreta shall be vitrified earthenware, except that flat or roll rim (enamel inside) hopper closets may be used in outbuildings.

All plumbing fixtures shall be maintained in a sanitary and clean condition and, if found defective or in an unsanitary condition, shall be repaired, renovated, replaced or removed at once. (Code 1945, § 62-203.)

Sec. 26-409. Water closets, sinks, etc., required.[3]

(a) In new or remodeled multiple dwellings provided with a house drainage system, there shall be, for each flat or apartment, at least one private water closet.

(b) The owner or agent of any new building or any place where a person is sheltered or employed shall cause to be installed at least one water closet and one sink with proper water supply and sewer connections.

(c) All soda fountains, restaurants, taverns, beer parlors and other eating establishments shall be equipped with double compartment sinks, grease traps, hot water and one toilet and one lavatory for each sex.

(d) One water closet and one sink shall be provided for each store.

(e) One water closet, one lavatory and one bathtub or shower shall be provided on each floor for every ten rooms or major fraction thereof. Also, one slop sink on each floor for every twenty-five rooms or major fraction thereof and at least one sink in the kitchen shall be provided.

(f) One water closet, one bathtub or shower and one sink shall be provided for each suite of three or more rooms. Where less than three rooms are in a suite, rules governing hotels shall apply, except that in every room where cooking is done, there shall be provided one kitchen sink.

(g) One water closet and one lavatory shall be provided for each sex to every ten rooms or major fraction thereof, and one slop sink shall be provided on each floor.

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3. For prohibition against constructing water closets within street lines, see § 30-134.

(h) One water closet and one lavatory shall be provided for each sex of white and colored race to every ten occupants or major fraction thereof, except where urinals are provided for males, as they may be installed instead of water closets, to the extent of fifty per cent of this requirement.

(i) Separate toilet rooms shall be provided for teachers and other adults independent of pupils' toilet rooms. Floor drains shall be provided for all toilet rooms containing three or more water closets. There shall be at least one water closet and one urinal for every forty boys or major fraction thereof, and one water closet for every twenty girls or major fraction thereof. (Code 1945, § 62-203.)

Sec. 26-410. Size of pipes conveying water to water closets.

Pipes conveying water to water closets shall be of sufficient size to supply the water at a rate required for adequate flushing without unduly reducing the pressure at other fixtures. (Code 1945, § 62-203.)

Sec. 26-411. Design, construction, etc., of drainage system generally.

The entire house drainage system shall be so designed, constructed and maintained as to conduct the waste water or sewage quickly from the fixture to the place of disposal with velocities which will guard against fouling and the deposit of solids and will prevent clogging. (Code 1945, § 62-203.)

Sec. 26-412. Drainage pipes to be leakproof.

The drainage pipes shall be so designed and constructed as to be leakproof, for a reasonable life of the building, against leakage of water or foul air due to defective materials, imperfect connections, corrosion, settlements or vibrations of the ground or building, temperature changes, freezing or other causes. (Code 1945, § 62-203.)

Sec. 26-413. Cleanouts required for drainage system.

The drainage system shall be provided with an adequate number of cleanouts so arranged that, in case of stoppage, the pipes may be readily accessible. (Code 1945, § 62-203.)

Sec. 26-414. Pipes to have adequate circulation; requirements for pipe cleanouts generally.

1. *Circulation.*

The house drainage system shall be so designed that there will be an adequate circulation of air in pipes and no danger of siphonage, aspiration or forcing of trap seals under conditions of ordinary use.

2. *Pipe cleanouts.*

a. Location. Cleanouts shall be not more than fifty feet apart in horizontal drainage lines of four-inch nominal diameter or less and not more than one hundred feet apart for larger pipes.

b. Underground drainage. Cleanouts, when installed on an underground drain, below a floor, shall be extended to or above the finished grade level directly above the place where the cleanout is installed; or may be extended to outside of the building when found necessary by the director of public improvements.

c. Change of direction. Cleanouts shall be installed at each change of direction of the building drain greater than forty-five degrees.

d. Concealed piping. Cleanouts on concealed piping shall be extended through and terminate flush with the finished wall or floor; or pits or chases may be left in the wall or floor, provided they are of sufficient size to permit removal of the cleanout plug and proper cleaning of the system.

e. Base of stacks. A cleanout shall be provided at or near the foot of each vertical waste or soil stack. For buildings with a floor slab on fill or ground or with less than eighteen-inch crawl space under the floor the following will be acceptable in lieu of a cleanout at the base of the stack. The building drain may be extended to the outside of the building and terminated in an accessible cleanout or an accessible cleanout installed in the building drain downstream from the stack not more than five feet outside the building wall.

f. Building drain junction. There shall be a cleanout near the junction of the building drain and building sewer or a cleanout with Y branch inside the building wall.

g. Limitation on use of cleanout plugs. Cleanout plugs shall not be used for the installation of new fixtures or floor drains except where approved in writing by the director of public improvements.

3. *Size of cleanouts.*

a. Small pipes. Cleanouts shall be of the same nominal size as

the pipes up to four inches and not less than four inches for larger piping.

b. Large pipes. For underground piping over ten inches, manholes shall be provided and located at each ninety degree change in direction and at intervals of not more than one hundred fifty feet.

c. Covers. Metal covers shall be provided for manholes.

4. *Cleanout clearances.*

a. Large pipes. Cleanouts on three-inch or larger pipes shall be so installed that there is a clearance of not less than eighteen inches for the purpose of rodding.

b. Small pipes. Cleanouts smaller than three inches shall be so installed that there is a twelve-inch clearance for rodding.

c. Calking. Cement, plaster or any other permanent finishing material shall not be placed over a cleanout plug.

d. Concealment. Where it is necessary to conceal a cleanout plug, a covering plate or access door shall be provided which will permit ready access to the plug.

5. *Cleanout equivalent.*

A fixture trap or a fixture with integral trap, readily removable without disturbing concealed roughing work, may be accepted as a cleanout equivalent, if there is no more than one ninety degree bend on the line to be rodded.

6. *Cleanout material.*

(a) Cleanout plugs shall be of brass or any specifications approved by the director of public improvements and shall conform to federal specifications WW-P-401.

(b) Plugs may have raised square or counter sunk heads.

(c) Counter sunk heads should be used where raised heads may cause a hazard.

(Code 1945, § 62-203.)

Sec. 26-415. Harmful substances not to enter system.

No substances which will clog the pipes, produce explosive mixtures or destroy the pipes or other joints shall be allowed to enter the house drainage or main sewer system and, no person shall make or maintain any connection with any public or private sewer, or appurtenance thereof, whereby there may be conveyed into the same any suffocating, erosive, inflammable, explosive liquid, gas, vapor or pulp substances or material. (Code 1945, § 62-203.)

Sec. 26-416. Food receptacles not to be connected with drainage system.

Refrigerators, iceboxes or receptacles for storing food shall not be connected directly with the drainage system. (Code 1945, § 62-203.)

Sec. 26-417. Ventilation in bathrooms.

No water closet or urinal shall be located in any room or apartment which does not contain a window that will open at least two square feet in area, placed in an external wall, or provided with a mechanical ventilation with area not less than one hundred thirteen square inches. Ventilation pipes from fixtures and toilet rooms shall be separate and distinct, and have no connection whatsoever with the other ventilating ducts or pipes in the building. (Code 1945, § 62-203.)

Sec. 26-418. Septic tanks[4]—Required in certain cases.

If water closets or other plumbing fixtures exist in buildings where there is no sewer within two hundred feet, suitable provisions shall be made for disposing of the house sewage by a septic tank and disposal satisfactory to the authorities having jurisdiction. (Code 1945, § 62-203.)

Sec. 26-419. Same—Approval; specifications.

When a sewer is not available, drain pipes from buildings shall be connected with septic tanks approved by the state engineer of the board of health. Septic tanks shall conform to the following specifications:

(a) Any fixture discharging grease or chemical waste or liquid detrimental to bacteria formation shall be installed so that their drainage will not enter the septic tank.

(b) The tank shall be constructed of durable, noncorrosive material absolutely impervious to water and resistant to decay.

(c) In the construction of concrete tanks, standard methods and specifications shall be followed as required by the state engineer.

(d) No tank shall be placed less than fifty feet, if possible, from a well, spring or other source of domestic water supply.

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4. For provisions of the Minimum Standards Housing Ordinance relative to septic tanks, see § 19-137.

(e) The minimum effective capacities of tanks shall be fifty gallons of sewage per person, per twenty-four hours. The length of the tank shall be at least twice its width and the minimum effective depth at three feet. No tank shall have an effective sewage capacity of less than two hundred and fifty gallons. The receiving chamber shall be two-thirds the capacity required.

(f) The drainage or absorption bed from the septic tank shall conform to the following:

1. Drains shall be of cement or agricultural tile, laid with loose abutting joints. Joints shall be covered with sections of tar paper, crush rock, cinders, or the like, previous to refilling of the pipe trench.

2. To insure distribution and absorption in clay and other non-porous or wet soils, the drains shall be laid on a bed of course gravel, six inches in depth to the full width of the trench. Where drains are laid in coarse, deep and porous sand, the gravel bed may be omitted.

3. Drains shall be four inches in diameter or greater.

4. Absorption drain lines shall be laid not less than six feet apart.

5. The minimum grade for drain lines shall be two inches per hundred feet.

6. The drain line shall be seventy-five feet in length for the first two hundred fifty gallons of septic tank sewage capacity and an additional twenty-five feet for each one hundred gallons in excess of two hundred fifty gallon tank sewage capacity; provided, that a single drain line does not exceed one hundred feet in length.

7. Septic tanks shall not be located under any building of any kind.

(Code 1945, § 62-203.)

Sec. 26-420. Same—Inspection.

There must be an inspection of all septic tanks and drains before they are covered, and an inspection fee shall be paid. (Code 1945, § 62-203.)

Sec. 26-421. Protection from back flow of sewage.

Where a house drainage system may be subjected to back flow of sewage, suitable provisions shall be made to prevent its overflowing in the building. (Code 1945, § 62-203.)

Sec. 26-422. Flushing apparatus for water closets and urinals.

Every water closet or urinal shall be flushed by means of an approved tank or flush valve of at least six gallons flushing capacity for water closets and at least two gallons for urinals, and shall be adjusted to prevent the waste of water. The flush pipe for water closet flush tanks shall be not less than one and one-quarter inches in diameter, and the water from the flush tank shall be used for no other purpose. No water closet or urinal bowl shall be directly supplied from a water supply system through a flushometer or other valve, unless such valve is set above the water closet or urinal in a manner to prevent any possibility of polluting the water supply from overflow. All flushometer water closets shall be provided with a siphon breaker approved by the board of plumbing examiners.

All water closet bowls and traps shall be provided with integral flushing rims constructed so as to flush the entire interior of the bowl, except as provided in section 26-408 of this Code. (Code 1945, § 62-203.)

Sec. 26-423. Size of service pipes.

The water service pipe of any building shall be of sufficient size to permit a continuous ample flow of water on all floors at all times. In no case shall it be smaller than three-quarters of an inch.

The minimum size of water service pipes from the curb to the building shall be three-quarters of an inch and to fixtures as follows:

Hot water boilers, three-quarters of an inch; laundry tubs, sinks, lavatories, bathtubs, water closet tanks, shower baths and sill cocks, one-half of an inch. (Code 1945, § 62-203.)

Sec. 26-424. Elevation of service pipes.

All service pipes up to the curb line shall be so laid that the elevation of the same shall be not less than twenty-four inches below the established subgrade of the paving of the street, lane or roadway. (Code 1945, § 62-152.)

Sec. 26-425. Stop cocks, drain cocks, etc.

A main shut off on each water supply line shall be provided by roundway stop cocks near the curb. Accessible stop cocks shall be provided on all risers, just inside or outside of the foundation wall of a building. All boilers shall have a drain cock, shut-off valve and relief valve approved by the board of plumbing examiners.

A stop cock will be required at or near the curb line for every connection that is made to the city's mains. The cost of the stop cock and cover shall be paid by the property owner, and the maintenance of the stop cock and cover shall be kept up by the property owner and, if the cover of the same becomes displaced, it will be the duty of the property owner to have another put on, and should an accident occur to property or person, the property owner will be responsible for any liability that may arise due to either the absence of the cover or the bad condition of the box.

Owners of all property upon which water is furnished by the city, whether within or without the corporate limits of the city, shall install effective combined stop and waste cocks so that when the stop cock is closed any water in the pipes above the waste cock will drain from such pipes through the combined stop and waste cock. The combined stop and waste cock contemplated by this section shall be of brass of a type similar to the Mueller make, or its equal, and shall be supplied with a handle so that the consumer of water can readily turn the same off, and must be so installed as to be easily accessible to the consumer. Such combined stop and waste cocks shall not be more than six inches above the surface of the ground, and, if they are located above the surface of the ground, must be boxed or protected so that they will not freeze. If the installation called for hereinbefore is not had before the date specified, water may be shut off from the premises and will not be supplied until such installation is had.

The combined stop and waste cocks must be so installed as to drain all pipes located above the surface of the ground, although this may require the installation of separate stop and waste cocks for yard hydrants, yard closets or other pipes furnishing water.

All service pipes between the stop and waste cocks herein required, to the curb, shall be so laid that they will not be exposed to frost and where a number of houses are furnished water from one service, the stop and waste cock shall be set between the curbing and the first house reached by such service.

When property upon which city water is furnished is occupied by a tenant, it shall be the duty of such tenant to so use the stop

and waste cock as to prevent the freezing of the water pipes upon the property and, upon failure to do so, the tenant shall be punished as provided in section 2-105 of this Code. Where two or more houses are furnished water by one service, it shall be the duty of the tenant residing in the house occupied nearest the stop and waste cock to use the same so as to prevent the freezing of the water pipes of the houses reached by such service. (Code 1945, §§ 62-153, 62-154, 62-203.)

Sec. 26-426. Material for water supply pipes.

All water supply pipes for the plumbing system shall be of lead, galvanized wrought iron, galvanized steel, copper tubing, brass or cast iron, with copper, brass or galvanized cast iron or galvanized malleable iron fittings. (Code 1945, § 62-203.)

Sec. 26-427. Used pipes not to be used for water distribution.

No pipes or fittings that have been used for other purposes shall be used for distributing water. (Code 1945, § 62-203.)

Sec. 26-428. Water heaters — Design and installation generally.

Devices for heating water and storing it in boilers, or hot water tanks, shall be so designed and installed as to prevent all danger from explosion and also prevent back flow of hot water through a meter connected with a public water supply. (Code 1945, § 62-203.)

Sec. 26-429. Same—Relief valves.

There shall be installed a relief valve on all hot water heaters, whether storage or automatic heaters. The same shall be installed on the cold water side to storage tanks having no valve between the tank and the relief valve. Automatic heaters shall have the same on the hot water delivery side. Discharge from all relief valves shall extend to an open fixture or outside of the building. The relief valve and cut-off valve shall be placed within two feet of the heater opening. Relief valves shall be of a type approved by the board of plumbing examiners. (Code 1945, § 62-203.)

Sec. 26-430. Same—Venting and inspection.

Automatic and all other waste heaters installed, with the exception of electric heaters, shall be vented and a charge will be made for inspection of all heaters. (Code 1945, § 62-203.)

Sec. 26-431. Building sewers generally.

All building sanitary sewers must be of cast-iron bell and spigot soil pipe with oakum and leaded joints and thoroughly caulked in place. This connection shall extend from the main city sewer in the street or lane which is to be connected so as to run from the city sewer in the street or lane to what is known as the vent. Dimensions of the pipe shall not be less than four inches in diameter. All cast-iron pipe from the city sewer shall be subject to hydraulic test and inspection.

All connections to sewers shall be made with long-sweep bends and cleanouts provided at the curb or property line.

The building rain water or storm sewer shall be of cast iron, terra cotta or concrete, and all shall be subject to inspection.

Where either an old or new building is located upon a lot which has an old terra cotta sanitary sewer within the lines of the foundation, the terra cotta must be removed and replaced with cast-iron pipes, run in accordance with this chapter. (Code 1945, § 62-203.)

Sec. 26-432. Separate trenches required for building sewers.

Each building sewer shall be laid in a separate trench. (Code 1945, § 62-203.)

Sec. 26-433. Proximity of water pipes and sewers.

Water pipes parallel with sewers shall not be laid nearer thereto than twelve inches horizontally. (Code 1945, § 62-203.)

Sec. 26-434. Interior excavations.

All excavations required to be made for the installation of a building drainage system or any part thereof within the walls of a building shall be open trench work. All such trenches shall be kept open until the piping has been inspected, tested and approved. (Code 1945, § 62-203.)

Sec. 26-435. Laying of sewers or drains near bearing or foundation walls.

No building sewer or underground building drain shall be laid parallel to or within three feet of any bearing wall of foundation where such drain runs deeper than the wall or foundation, except on one-story frame buildings. (Code 1945, § 62-203.)

Sec. 26-436. Lifting of sewage and waste.

In all buildings in which the whole or part of the drainage and plumbing system thereof lies below the crown level of the main sewer, sewage or building wastes shall be lifted by approved artificial means and discharged through a properly vented trap into the building sewer or building drain. All sub-building drains shall discharge into an air-tight sump or receiving tank so located as to receive the sewage by gravity, from which sump or receiving tank the sewage shall be lifted and discharged into the building sewer by pumps or ejectors or any equally efficient method. Such sumps shall be either automatically discharged or be of sufficient capacity to receive the building sewage and wastes for not less than twenty-four hours.

The soil or vent pipe leading to an ejector or other appliance for raising sewage or other waste matter to the street sewer shall, where a water closet is installed, be provided with a vent pipe not less than the diameter of discharge from the sump, and, where fixtures other than water closets are installed, the waste vent pipe shall be the same diameter as the waste pipe. Ejectors must be inspected and an inspection fee paid. (Code 1945, § 62-203.)

Sec. 26-437. Temperature of liquid waste.

The temperature of liquid wastes discharging into a building sewer or drain shall not exceed one hundred forty degrees Fahrenheit. (Code 1945, § 62-203.)

Sec. 26-438. Connections for exhaust, drip, etc., pipes from steam boilers.

The exhaust, blow-offs, sediment or drip pipes from a steam boiler shall not connect directly with any sewer, drain, soil or waste pipe. Such pipes shall discharge into the top and above the line of discharge of a suitable closed tank or condenser, made of

wrought or cast iron, provided with a relief pipe at least double the area of the blow-off pipe, and extending to the outer air above the roof. The waste from such tank or condenser shall be taken from the bottom and be at least one size larger than the inlet, but not less than three inches in diameter, and provided with a trap that has a seal of not less than twelve inches and, wherever possible, shall connect to the building sanitary sewer and not to the building drain. (Code 1945, § 62-203.)

Sec. 26-439. Conductors and soil, waste, etc., pipes not to be interchanged.

Conductor pipes shall not be used as soil, waste or vent pipes, nor shall any soil, waste or vent pipes be used as conductors. (Code 1945, § 62-203.)

Sec. 26-440. Connections of overflow pipes from cisterns, supply tanks, etc.

Overflow pipes from cisterns, supply tanks, expansion tanks and drip pans shall connect only indirectly with any building sewer, building drains or soil or waste pipe. (Code 1945, § 62-203.)

Sec. 26-441. Supervision of sewer connections.

It shall be unlawful for any person to tap or make connection with any sanitary or storm sewer in the city, unless the same is made under the supervision of the inspector of plumbing. (Code 1945, § 62-203.)

Sec. 26-442. Obstructing public sewers.

No person shall do any act or thing which may impair or obstruct the flow of any public sewer or clog up any appurtenance thereof, or place therein any substance, solid or liquid, other than the waste products for which such sewers are provided. (Code 1945, § 62-203.)

Sec. 26-443. Fixtures placed one above the other.

Plumbing fixtures placed one above the other on a vertical stack or waste line shall not exceed fifty feet in length and shall not be over five feet from the stack developed horizontal and vertical length. Fixtures need not be revented but must be equipped with

anti-siphon traps. Fixtures on the waste or stack exceeding this length shall have a revent stack or waste line below the lowest fixture extending separately above the roof or reconnected to the vent stack above the top fixture. When fixtures are placed one above the other on horizontal runs or vertical stacks and the distance does not exceed five feet horizontal and vertical developed length, the lower fixtures need not be revented. (Code 1945, § 62-203.)

Sec. 26-444. Fixtures to be installed open and pipes run to wall.

All plumbing fixtures shall be installed open in a manner to afford access for cleaning. When practicable, all pipes from fixtures shall be run to the wall. (Code 1945, § 62-203.)

Sec. 26-445. Water closet bowls and traps to be made in one piece, etc.

Water closet bowls and traps shall be made in one piece and of such form as to hold sufficient quantity of water, when filled to the trap overflow, to prevent fouling of the surface. (Code 1945, § 62-203.)

Sec. 26-446. Certain fixtures prohibited.

The use of kitchen or scullery sinks, constructed of wood, long hopper closets or similar fixtures is hereafter prohibited. Wooden-lined closet or urinal tanks are prohibited. No dry closets or chemical tanks shall be installed in a dwelling. (Code 1945, § 62-203.)

Sec. 26-477. Style of water closet seats.

All water closet seats, except in dwellings and apartments, shall be of the open front style. (Code 1945, § 62-203.)

Sec. 26-448. Venting required for fixtures installed in outbuildings.

Where toilets or other plumbing fixtures are installed in outbuildings or garages which are being used as living quarters, either on the first floor or above, the same shall be vented. (Code 1945, § 62-203.)

Sec. 26-449. Removal of fixtures or disconnecting sewer lines.

Where fixtures are removed in buildings or sewer lines are cut off, all openings shall be capped or properly sealed to prevent sewer gas from entering buildings. All fixtures must be disconnected and water lines and sewers capped by a master plumber and inspected by the inspector of plumbing. (Code 1945, § 62-203.)

Sec. 26-450. Horizontal piping generally.

All horizontal piping shall be run in practical alignment at a uniform slope of not less than one-eighth of an inch per foot, where practicable, and shall be supported or anchored at intervals not to exceed five feet on soil pipe and ten feet on wrought-iron pipe. All stacks shall be properly supported and all pipes shall be rigidly secured. (Code 1945, § 62-203.)

Sec. 26-451. Venting of toilets on horizontal runs or vertical stacks.

When toilets are placed on horizontal runs or vertical stacks and are over five feet and do not exceed fifteen feet horizontal and vertical developed length they may be vented with two inches through the roof or looped back and connected to other vent stacks. (Code 1945, § 62-203.)

Sec. 26-452. Changes in grade and direction of soil and waste lines.

Changes in grades and directions in all cast iron soil and waste lines shall have sanitary sweep fittings with cleanouts caulked into them, except that long-sweep bends or short-sweep bends may be used with cleanouts caulked adjacent to them. (Code 1945, § 62-203.)

Sec. 26-453. Use of double hubs, sanitary T's, etc.

No double hub, sanitary T or double sanitary T, unless the side opening is smaller than the main body of fittings, shall be used on horizontal soil or waste lines nor shall double hubs be used on vertical soil or waste lines. No heel outlet, low-pattern quarter bends shall be used on waste lines unless used in a vertical position. The drilling and tapping of building drains, building

sewers and soil, waste or vent pipes and the use of saddle hubs and bands is prohibited. Any fitting or connection which has an enlargement, chamber or recess with a ledge shoulder, or reduction of the pipe area, in the direction of flow on the outlet or drain side of any trap is prohibited. No drainage or cast-iron tap fittings will be allowed on soil or waste lines unless they have a sanitary sweep or radius. Sanitary T's or crosses may be used in vents. Offsets on soil or waste pipes must be made either with one-eighth, one-sixth or one-sixteenth bends. Standard offsets or ninety degree elbows may be used on vent lines only. Recess drainage couplings must be installed on all Durham waste lines. Standard couplings are prohibited. Sanitary T's or crosses will not be permitted on vents unless inverted. No twin fitting or crosses will be permitted on horizontal waste lines. (Code 1945, § 62-203.)

Sec. 26-454. Use of defective materials prohibited.

All materials used in any drainage or plumbing system or part thereof shall be free from defects. (Code 1945, § 62-203.)

Sec. 26-455. Specifications for brass, copper, etc., pipes.

Brass pipe shall conform to the standard specifications of the A. S. T. M. for "Brass Pipe, Standard" (Serial No. B 43-23). Copper pipe shall conform to the standard specifications of the A.S.T.M. for "Copper Pipe, Standard" (Serial No. B 43-23).

Traps and exposed waste pipes from traps to wall or floor may be iron pipe or brass, or not less than No. 17 B and S gauge.

Brass flush pipes and local ventilating pipes shall not be less than No. 20 B and S gauge. (Code 1945, § 62-203.)

Sec. 26-456. Quality and weight of lead pipe, bends and traps.

All lead pipe, bends and traps shall be best quality drawn pipe, of no less weight per lineal foot than shown below and shall be lead pipe known as type "C".

Internal Diameter Inches	*Weight Per Foot Lbs.*
1½	4
2	5
3	6
4	8

All lead fittings or traps are to be extra heavy. (Code 1945, § 62-203.)

Sec. 26-457. Weight of sheet lead.

Sheet lead shall weigh not less than four pounds per square foot. (Code 1945, § 62-203.)

Sec. 26-458. Brass caulking ferrules.

Brass caulking ferrules shall be of the best quality red cast brass, with weights and dimensions in accordance with the following table:

CAULKING FERRULES

Pipe Size (In.)	*Diameter*	*Lengths*	*Weight (Oz.)*
2	2″	4″	14
3	3″	4″	20
4	4″	4″	24

(Code 1945, § 62-203.)

Sec. 26-459. Joints generally—To be gastight and watertight.

All joints and connections mentioned in this chapter shall be made permanently gastight and watertight. (Code 1945, § 62-203.)

Sec. 26-460. Same—On vitrified clay pipe.

Joints on vitrified clay pipe shall be thoroughly made of joint compound or with Portland cement mortar made of one part cement and not more than two parts of clean sand by measure. The cement and sand shall be mixed with water and used immediately.

No retempered cement shall be used. Mortar kept more than one-half hour shall not be used.

An approved tight-fitting follower or swab shall be inserted before each joint is cemented and withdrawn after the joint is finished in such manner as to keep the pipe thoroughly free from cement obstructions. (Code 1945, § 62-203.)

Sec. 26-461. Same—To be wrapped in certain cases.

Earthenware pipe and fittings laid in water or earthenware pipe through which water is running shall be protected by heavy cloth wrapped around the joints in such a manner as to keep the cement in place. There must be a ring of oakum packed in the joint before applying cement. (Code 1945, § 62-203.)

Sec. 26-462. Same—To be full-wiped, etc., in certain cases.

Joints in lead pipe or between lead pipe and brass pipe, lead pipe and copper pipe, lead pipe and ferrules, or lead pipe and traps shall, in all cases, on the sewer side of the traps and in concealed joints on the inlet side of the trap, be full-wiped joints with an exposed surface of the solder to each side of the joint and not less than three-quarters of an inch and a minimum thickness at the thickest part of the joint of not less than one-fourth of an inch.

Lead to cast-iron or wrought-iron joints shall be made by means of a brass caulking ferrule or a brass nipple. (Code 1945, § 62-203.)

Sec. 26-463. Same—Requirements when caulked.

All caulked joints shall be firmly packed with oakum or hemp and shall be secured only with pure lead not less than one inch deep, well caulked, and no paint, varnish or putty will be permitted until after the joint is tested. (Code 1945, § 62-203.)

Sec. 26-464. Same—To be watertight at roof.

The joints at the roof shall be made watertight by the use of copper, galvanized iron or sheet lead applied as a hub or sleeve flashing. Sleeve flashings must extend to a height greater than the stack and be crimped over inside of the same. Cast-iron roof plates are permissible as flashings. (Code 1945, § 62-203.)

Sec. 26-465. Floor connections.

A brass floor connection shall be used on tile or cement floors and a lead stub shall be flanged over the top of the floor connection or soldered to the same and the floor connection bolted to an earthenware trap flange. A putty joint, a lead gasket or a washer shall be used to make the joint tight, except that a cast-iron caulked flange may be used in a cement floor on ground floors only. Connections between all fixture traps and fixture branches must be made with lead solder wiped. (Code 1945, § 62-203.)

Sec. 26-466. Connections between different size pipes.

Where different sizes of pipe or pipes and fittings are to be connected, proper size increasers or reducers shall be used. (Code 1945, § 62-203.)

Sec. 26-467. Toggle bolts to be used at certain connections.

Connections of wall hangers, pipe supports or fixture settings with the masonry, stone or concrete backing shall be made with expansion or toggle bolts without the use of wooden plugs. (Code 1945, § 62-203.)

Sec. 26-468. Material for inside soil, waste, etc., pipes.

All main or branch soil, waste and vent pipes within the building shall be of cast iron, lead, brass, copper tubing or galvanized steel or galvanized iron pipe. (Code 1945, § 62-203.)

Sec. 26-469. Extra heavy pipe to be used in certain buildings.

All cast-iron pipe and fittings used in buildings over fifty feet in height above the curb shall be extra heavy pipe up to within fifty feet of the roof and of uniform thickness and quality. (Code 1945, § 62-203.)

Sec. 26-470. Size of pipe for sink wastes, etc.

Not less than two-inch pipe must be used for all sink wastes or stacks. Where a horizontal sink waste pipe receives the waste of two or more sinks, the horizontal waste shall be increased to three-

inch pipe size. The fixture branch shall not be over three feet in length. All sinks shall be continuous vented full size through the roof or the vent may be tied into the waste stack one foot above the highest fixture undiminished in size. (Code 1945, § 62-203.)

Sec. 26-471. Fixture unit discharge.

One cubic foot per minute or seven and one-half gallons per minute is the basis for a fixture unit discharge. The following table shall be employed to determine equivalent:

Fixture	*Units*
Drinking fountain	½
Lavatory or wash basin	1½
Refrigerator or icebox	1
Bathtub	2½
Laundry tray	3
Shower bath	4
Floor drain	4
Combination fixture	4
Urinal	4
Kitchen sink	5
Slop sink	6
Water closet	6

(Code 1945, § 62-203.)

Sec. 26-472. Soil and waste stacks generally.

Every building in which plumbing fixtures are installed shall have a soil or waste stack extending full size through the roof. The soil stack shall have a free opening, the roof terminal being so located that there will be no danger of air passage from it to any window and no danger of clogging of the pipe by frost or by articles being thrown into it, or of roof water drainage into it. The roof terminal of any stack or vent, if within fifteen feet of any door, window, scuttle or air shaft shall extend at least three feet above the same. In the event that a new building is built higher than an existing adjoining building, the owner of the new building shall not locate openings within fifteen feet of any existing vent stack on the adjoining lower building, unless the owner of such new building shall defray the expenses or shall himself make such alteration to conform to this section.

Soil and waste stacks shall be as direct as possible and free from sharp angles and turns. The required size of a soil and waste stack shall be independently determined by the total fixture units of all fixtures connected to the stack.

WASTE STACKS

Fixture Units	*Diameter of Stack*	*Length Permitted*
1 to 3	1½ inches	25 feet
4 to 10	2 inches	50 feet
11 to 40	3 inches	100 feet

SOIL PIPE WASTES FOR TOILETS OR EQUIVALENTS

Fixture Units	*Diameter of Stack*	*Length Permitted*
1 to 60	4 inches	100 feet
61 to 300	6 inches	200 feet

All soil and waste stacks and branches shall be installed with correctly faced inlets for fixture connections.

In existing buildings where the soil or waste vent pipe is not extended undiminished through or above the roof, or where there is a sheet metal soil or waste vent pipe, and the fixture is changed in style or location or is replaced, a soil or waste vent pipe of the size and material prescribed for new work shall be installed. (Code 1945, § 62-203.)

Sec. 26-473. Soil, waste, etc., stack extensions.

All extensions of soil, waste and vent stacks shall be run full size at least one foot above the roof and, when the roof is used for other purposes than weather protection, such extension shall not be less than seven feet above the roof. (Code 1945, § 62-203.)

Sec. 26-474. Vent pipes not to terminate under overhang.

Vent pipes shall not terminate under the overhang of any building. (Code 1945, § 62-203.)

Sec. 26-475. Seal traps required; location of traps generally.

Each fixture or combination fixture shall be provided with a separate, accessible, self-scouring reliable water seal trap placed as near to the fixture as possible. In no case shall the trap be placed more than twenty-four inches combined horizontal and vertical length from the fixture it serves. (Code 1945, § 62-203.)

Sec. 26-476. Protection of fixture trap against siphonage, etc.

Every fixture trap shall be protected against siphonage and back pressure, and air circulation shall be assured by means of a soil waste vent, continuous vent, stack vent, loop or circuit vent. No crown vent shall be installed. (Code 1945, § 62-203.)

Sec. 26-477. Placement of traps in relation to vents.

No trap shall be placed more than five feet horizontal and vertical developed length from its vents. The distance shall be measured along the central line of the waste or soil pipe from the seal of the trap to the vent opening. Sink traps shall be installed to conform with section 26-470 of this Code. (Code 1945, § 62-203.)

Sec. 26-478. Connection of main vents and vent stacks.

All main vents or vent stacks shall connect full size at or below the lowest fixture branch and shall extend, undiminished in size above the roof or shall be reconnected with the main soil or waste vent at least six inches above the overflow point of the highest fixture. (Code 1945, § 62-203.)

Sec. 26-479. Slope of vent pipes, etc.

All vent and branch vent pipes shall be free from drops or sags and be so sloped and connected as to drip back to the soil or waste pipe by gravity. Where vent pipes connect to a horizontal soil or waste pipe, the vent branch shall be taken off above the center line of the pipe. All flat vents must be wet vents where practicable. (Code 1945, § 62-203.)

Sec. 26-480. Circuit or loop vents.

A circuit or loop vent will be permitted as follows: A branch soil or waste pipe to which two and not more than ten water closets, urinal stalls, urinals, slop sinks, shower stalls and lavatories, spaced not more than five feet from the horizontal main, developed horizontal and vertical length, are connected in the series may be vented by continuing the waste line full size in the form of a loop or back vent to the stack above all fixtures or into a separate vent stack. The vent shall be taken off in front of the last fixture connection, provided the water seal of the trap is not more than five feet from the horizontal main developed horizontal and vertical length. (Code 1945, § 62-203.)

Sec. 26-481. Replacement of fixtures.

The replacement of a closet bowl or any other plumbing fixture is not interpreted as repairs, but must be inspected by the inspector of plumbing and a fee of one dollar will be charged for such inspection. (Code 1945, § 62-203.)

Sec. 26-482. Replacement of traps under fixtures.

The replacing of traps under fixtures shall be reported and inspected by the inspector of plumbing, but no fee shall be charged therefor. (Code 1945, § 62-203.)

Sec. 26-483. Certain traps must not be back vented.

The trap of a garage catch basin or a soda fountain catch basin or a cellar floor drain need not be back vented. (Code 1945, § 62-203.)

Sec. 26-484. Certain traps to be vented.

Traps serving fixture branches connecting directly to a stack below a water closet branch on the same stack shall be vented. (Code 1945, § 62-203.)

Sec. 26-485. Vent sizes.

Two lavatories or two baths may discharge into a two-inch soil vent, a loop vent, a circuit vent, a branch or a relief vent. Where more fixtures other than water closets are required on floors above, the vent may be increased to three inches not over fifty feet in

length to carry eight units or four inches not over one hundred feet in length to carry sixteen units. When there are more than two waste openings on a revent from a water closet, the vent must be increased to three inches up to five one and one-half inch openings. (Code 1945, § 62-203.)

Sec. 26-486. Horizontal vents prohibited below spill line.

No horizontal vent shall be permitted below the spill line of the fixture it serves. (Code 1945, § 62-203.)

Sec. 26-487. Installation of waste pipe on combined waste and vent system.

The waste pipe from any fixture, other than a water closet, may be installed on a combined waste and vent system as follows: The waste stack shall be run from the house drain direct through the roof undiminished in size according to the following table; provided, that branches are placed so as to use one-half "S" traps and that the waste of such branches does not exceed three feet in length between the stack and the seal of the trap; and provided further, that no sink waste shall be placed in any two-inch stack used for a vent.

Diameter of Stack	*Fixture Units on Stack*	*Maximum Length*
1½ inch	3	30 feet
2 inch	6	30 feet
3 inch	16	50 feet
4 inch	32	100 feet
5 inch	50	200 feet

(Code 1945, § 62-203.)

Sec. 26-488. Material for lavatory, sink, etc., traps.

Traps for lavatories, sinks and other similar fixtures shall be of lead, brass, cast iron, galvanized iron or galvanized steel. (Code 1945, § 62-203.)

Sec. 26-489. Traps using movable parts, etc., prohibited.

No form of trap which depends for its seal upon the action of

movable parts or concealed interior partitions shall be used. (Code 1945, § 62-203.)

Sec. 26-490. Drum traps for baths.

All baths shall be provided with improved drum traps. The waste outlet shall be so constructed as to prevent sewer gas from entering the trap and shall have not less than a three-inch seal. (Code 1945, § 62-203.)

Sec. 26-491. Use of anti-siphon traps.

When it is impossible to back vent a trap from wash basins placed in the center of the floor, to be used for barbershops and the like, an anti-siphon trap is to be placed as near the fixture as possible. No indirect connections will be permitted on such work. Where it is impracticable to revent a fixture or where new fixtures are being replaced or where a fixture must be placed in a position away from any wall, anti-siphon traps may be used of such makes as the board of plumbing examiners may approve. (Code 1945, § 62-203.)

Sec. 26-492. Traps to be level in relation to water seals.

All traps shall be set level in relation to their water seals. (Code 1945, § 62-203.)

Sec. 26-493. Cleanouts on concealed traps.

Trap cleanouts are prohibited on all concealed traps. (Code 1945, § 62-203.)

Sec. 26-494. Minimum size of waste and vent pipes.

The minimum size of waste and vent pipes shall be as follows:

Fixtures	*Size (Inches)*
Lavatory	1¼
Drinking fountain	1¼
Cuspidor	1½
Refrigerator	1½
Bath tub	1½
Kitchen sink	1½
Laundry tray	1½
Combination fixtures	1½
Slop sink	2
Stall urinal	2
Shower bath	2
Floor drain	2 & 4

(Code 1945, § 62-203.)

Sec. 26-495. Cellar and basement floor drains.

Cellar or basement floor drains shall connect into a trap so constructed that it can be readily cleaned and of a size to serve efficiently the purpose for which it is intended. The drain inlet shall be so located that it is, at all times, in full view. When subject to back flow or back pressure, such drains shall be equipped with an adequate back water and stop valve. (Code 1945, § 62-203.)

Sec. 26-496. Back-water valves.

Back-water valves shall have all bearing parts or balls of noncorrosive metal and be so constructed as to insure a positive mechanical seal and remain closed except when discharging wastes. (Code 1945, § 62-203.)

Sec. 26-497. Installation of fixtures below street grade level.

No water closet or other fixture shall be installed in any basement, cellar or area the top of which fixture or closet is below the level of the natural grade in the street abutting the property; provided, however, that a permit will be issued, conditioned that the

owner take all risks of damages that may result from water settling back into the premises from main sewers; and in order to prevent, as much as possible, the settling back of water, the owner is hereby required, at his own cost and risk, to put in a self-acting or other valve in all cases where the back flow from a sewer is to be apprehended. It shall be the duty of the owner to keep such valve in order, and he shall be responsible for its action in all cases. The valve must be arranged so as not to interfere with the operation of the plumbing system above the street level. (Code 1945, § 62-203.)

Sec. 26-498. Gas and oil trap required for certain establishments.

All garages, public establishments where automobiles are washed and cleaned, gasoline filling stations, dyeing and cleaning establishments and other like establishments using gasoline, oil and other inflammable material which is carried into the public sewers of the city, shall install, in connection with the drainage from their sinks, wash traps and other receptacles, a system of a gas and oil trap of a type satisfactory to the board of plumbing examiners, the same to be connected into storm sewers. Each trap so installed shall consist of a suitable basin, depending upon the size of the establishment, and, in the basin, there shall be a removable receptacle to receive mud, gasoline, oil and other matter washed into the same. The trap shall be provided with a suitable air chamber and with a ventilating pipe. The trap manufactured by Compound Injector and Specialty Company, known as the Dehm's Peerless Garage Floor Drain, is a satisfactory type, but any other equally as effective will be accepted. (Code 1945, § 62-203.)

Sec. 26-499. Grease traps.

Kitchen or other greasy wastes from hotels, restaurants, club houses, public institutions, boardinghouses or other establishments in which cooking is done or greasy wastes obtained shall be intercepted by a grease trap of at least twice the capacity of dishwashing machines and sinks, and conducted to the building drain or sewer.

Catch basins, sumps or grease traps which receive fecal discharge or greasy discharge from sinks, when located within a building, shall be of cast iron or other approved nonabsorbent material. All

grease traps and catch basins shall have heavy cast iron or steel covers. (Code 1945, § 62-203.)

Sec. 26-4100. Refrigerator drainage generally.

Refrigerator waste pipes shall discharge only:

(a) Into an open portable pan,

(b) Into an open water-supplied fixture in constant use, other than a water closet or urinal.

(c) Into a floor drain with a deep seal trap; or

(d) Into an approved trap or catch basin.

All such receptacles shall be arranged so as to overflow, when stopped on a floor or at an observable point, not over two feet from the edge of the building, if under the same.

Refrigerator safe wastes over twenty feet in length shall be trapped, but such trap need not be vented. Refrigerator safe waste pipes shall be installed and cleanouts arranged so that all parts of the pipe are accessible for cleaning.

Refrigerator traps located one above another need not be separately vented; provided, the waste pipe is continued full size through the roof.

Vertical and horizontal refrigerator waste and safe pipe offsets and all changes in direction of such pipes shall be provided with cleanouts.

The drainage from refrigerator rooms in which food or ice is placed shall discharge into an accessibly located catch basin or other approved fixture, located outside of such room.

The minimum size of vertical safe waste pipes for refrigerators in private dwellings and apartment houses shall be two inches for nine to eighteen refrigerators, or as provided in the waste stack table set out in section 26-472 of this Code.

There shall be an open air space between all refrigerator or icebox waste openings and the traps and receptacles receiving waste water. (Code 1945, § 62-203.)

Sec. 26-4101. Discharge of supply tank pipes and exhaust from water lift.

Pipes from a water supply tank or exhaust from a water lift shall not be directly connected with any building drain, soil or waste pipe. Such pipe shall discharge into an open fixture or discharge in the same manner as refrigerator wastes. (Code 1945, § 62-203.)

Sec. 26-4102. Discharge of acid liquid wastes.

Liquid wastes which carry acids in solution shall be properly neutralized and diluted before being discharged into any soil or waste pipe or any metal building drain or sewer, or such waste may be discharged into pipes of noncorrosive materials. (Code 1945, § 62-203.)

Sec. 26-4103. Swimming pools—Showers.

At least six shower baths for males and three shower baths for females shall be provided in connection with each swimming pool and bathhouse. Such shower bath for females shall be enclosed by dwarf partitions and doors. Each shower shall be provided with a soap retainer. (Code 1945, § 62-203.)

Sec. 26-4104. Same—Floor drains.

Floor drains around swimming pools shall be provided for the purpose of intercepting floor drainage. (Code 1945, § 62-203.)

Sec. 26-4105. Same—Scum gutters.

Approved expectorating troughs or scum gutters shall be provided for all swimming pools. The same shall be extended around the entire pool, one every twenty feet. Floor drainage may be carried into expectorating troughs. (Code 1945, § 62-203.)

Sec. 26-4106. Same—Water closets.

Each public pool or plunge shall have at least one water closet and one urinal for males and at least one water closet for females. The same shall be located adjacent to the shower bath for the convenience of bathers only. Each water closet compartment shall be provided with proper floor drainage facilities. (Code 1945, § 62-203.)

Sec. 26-4107. Pipe openings and chases to be enclosed or sealed.

All openings and chases which are to receive plumbing pipes shall be enclosed or sealed so as to exclude vermin from the building. (Code 1945, § 62-203.)

Sec. 26-4108. Inspections and tests—Generally.

All piping, traps and fixtures shall be inspected by the inspector of plumbing to insure compliance with all requirements of this title. The plumbing system shall be subjected to a water pressure, air or peppermint test and to a final inspection to disclose all imperfections in the work.

No drainage or plumbing system or part thereof shall be covered before being regularly inspected, tested and approved and, if any drainage or plumbing system or part thereof is covered before regularly inspected, tested and approved, it shall be uncovered upon the order of the inspector of plumbing. (Code 1945, § 62-203.)

Sec. 26-4109. Same—Notice to inspector.

The inspector of plumbing must be notified not later than 10:00 A. M. for afternoon inspections and not later than 5:00 P. M. for morning inspections. (Code 1945, § 62-200.)

Sec. 26-4110. Same—Of water distribution system.

Upon the completion of the entire water distribution system, it shall be tested and proved tight under a water pressure not less than the maximum working pressure under which it is used. (Code 1945, § 62-203.)

Sec. 26-4111. Same—Of alterations, fixtures, etc.

Alterations, repairs and extensions where more than five feet of waste pipe and fittings are used must be tested and inspected, or, where it is necessary to remove fixtures to proceed with the work, the fixtures must be inspected after being reset. There must be a final fixture inspection on all new, old and remodeling work. (Code 1945, § 62-203.)

Sec. 26-4112. Same — Of conductor pipes and roof connections.

Conductor pipes and their roof connections within the walls of buildings shall be tested by the water or peppermint test. (Code 1945, § 62-203.)

Sec. 26-4113. Same—Smoke or peppermint test.

The smoke or peppermint test shall be used in testing the sanitary condition of the drainage or plumbing system of all buildings where there is reason to believe that it has become defective. The peppermint test shall be made by pouring into one of the roof openings a mixture of oil of peppermint and hot water. This mixture is made by using two ounces of oil of peppermint to one gallon of hot water. The opening through which the peppermint is poured should then be tightly closed. The person pouring the peppermint should not enter the house until it has been thoroughly inspected for defects by a second person. In buildings condemned by the proper administrative authority because of unsanitary conditions of the plumbing system, the alteration in such system shall not be considered as repairs, but as new plumbing. (Code 1945, § 62-203.)

Sec. 26-4114. Same—Water test.

The water test shall be applied to the drainage system in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening above the roof, and the stem filled with water to the point of overflow above the roof. When tested in sections, at least the lower five feet of the next section above shall be retested so that every joint and pipe in the building shall have been submitted to a test of not less than a five-foot head of water or a two and one-half pound pressure of air. Under any test the water pressure shall remain constant for not less than ten minutes without any further addition of water. (Code 1945, § 62-203.)

Sec. 26-4115. Same—Hydraulic test.

All new and reconstructed plumbing work shall be subject to a hydraulic test. (9-9-49, § 1.)

Sec. 26-4116. Same—Removal of cleanouts.

In making inspections and tests, the inspector of plumbing may require the removal of any cleanouts to ascertain if the pressure has reached all parts of the system. (Code 1945, § 62-203.)

Sec. 26-4117. Same—Fees.

There shall be charged and collected by the treasurer of the city an inspection fee of one dollar for each connection of the building sanitary sewer with the main trunk sewer or main sewer in a street or lane and an additional fee of one dollar for each fixture with a waste connection in new and reconstructed plumbing work and for each fixture roughed in, payable before the issuance of the permit. The receipt of the treasurer shall be exhibited to the inspector of plumbing before connection is made. If the inspector of plumbing is required to make an additional trip to inspect plumbing on account of defective work, a charge of one dollar shall be made for each additional trip.

For the purpose of this section, the words "fixture roughed in" shall mean any opening placed in a plumbing system for the purpose of receiving the discharge from a future plumbing fixture. (Code 1945, §§ 62-196, 62-197.)

Sec. 26-4118. Same — Equipment, power, etc., to be supplied by plumber.

The equipment, material, power and labor necessary for the inspections and tests provided for in this chapter shall be supplied by the plumber. (Code 1945, § 62-203.)

Sec. 26-4119. Replacement of defective work.

If any plumbing work shows defects, such defective work or material shall be replaced within three days and the inspection and test provided for in this chapter repeated. (Code 1945, § 62-203.)

Sec. 26-4120. Certificate of approval.

After the satisfactory completion and final test of a plumbing system, and upon request, a certificate of approval shall be issued by the inspector of plumbing to the plumber. (Code 1945, § 62-203.)

TITLE 27.

POLICE.[5]

Chap.
27-1. In General, §§ 27-101 to 27-110.
27-2. Chief of Police, §§ 27-201 to 27-207.

Chapter 27-1. In General.

§ 27-101. General authority relative to photographs and fingerprints.
§ 27-102. Special police for guard duty—Appointment; compensation.
§ 27-103. Same—Dismissal.
§ 27-104. Sale of unclaimed property.
§ 27-105. Radios not to be tuned to same frequency used by police.
§ 27-106. Aid from citizens.
§ 27-107. Resisting, opposing, etc., policemen.
§ 27-108. Unauthorized use of police whistle.
§ 27-109. Hospitals and doctors to make certain reports to police.
§ 27-110. Payment of fines to benevolent association.

Sec. 27-101. General authority relative to photographs[6] and fingerprints.

The police department is authorized to have photographs taken of persons arrested by the officers of the department, where charged

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5. For special legislative provisions relative to the police district, see § 1-106. For provisions requiring the city to provide adequate police protection at all places within the corporate limits, see § 1-131. For provisions exempting police from militia and jury duty, see § 1-204. For provisions relative to minimum wages for policemen, see § 1-208. For provisions relative to the clerk of the police department acting as clerk of the police court, see § 1-507. For provisions relative to the chief of police and other police officers as ministerial officers of the police court, see § 1-510. For provisions requiring police protection at the municipal airport, see § 1-1204. As to police powers of employees of the Bacon Park Commission, see § 1-1324.

For ordinance provisions as to duty of the clerk of the council to swear in persons appointed to the police court, see § 3-308. As to requirement that pawnshops be open to police, see § 25-108. As to requirement that poolrooms be open to police officers, see § 28-121. As to special policemen for sanitary purposes, see § 29-102.

6. As to photographs of applicants for a taxicab driver's permit, see § 33-405.

with a felony, and to provide a system or method of taking the measurements of fingerprints of such persons, and like provisions, whereby such criminals or arrested persons may be identified in case of their subsequent arrest or where it is afterwards desired to identify the same. It is hereby made discretionary with the chief of police to have similar examinations and evidence of likeness and similarity preserved, where the parties are charged with offenses of less grade. (Code 1945, § 47-148.)

Sec. 27-102. Special police for guard duty — Appointment; compensation.

Subject to approval from the city manager, the chief of police may appoint special policemen to be assigned to guard duty by and with the consent of the person whose property is to be guarded. When so assigned, each special policeman shall receive such salary and such salary alone as may be mutually agreed upon between him and the person whose property is to be guarded. He shall not receive compensation from the city. (Code 1945, § 47-126.)

Sec. 27-103. Same—Dismissal.

A special policeman appointed under the preceding section shall be dismissed from the service of the city at any time that the person whose property he is assigned to guard determines to cease paying for his services. Whenever such person desires to discontinue the services of any special policeman assigned to guard his property, notice in writing shall be given to the chief of police of such desire, and thereupon such special policeman shall be dismissed from the police force of the city. A special policeman shall also be subject to dismissal by the city manager. (Code 1945, §§ 47-126, 47-127.)

Sec. 27-104. Sale of unclaimed property.

Whenever any bicycle or other personal property, except firearms and weapons, remains unclaimed in the possession of the police department for a period of six months, and after an effort has been made by the police department to ascertain the ownership of such property and to notify the owner, such property shall be turned over to the city marshal for sale. The city marshal shall sell such personal property at public auction to the highest bidder, after publishing notice of such sale as required by section 12-712 of the Code of Georgia. The proceeds of any sale made under this section

shall be handled as set out in section 12-713 of the Code of Georgia. (2-3-56, §§ 1-3.)

Sec. 27-105. Radios not to be tuned to same frequency used by police.

It shall be unlawful for any person to possess or use any portable radio or fixed radio in any vehicle or house or other building, which radio is tuned in to operate on the same megacycle band frequency used by the police department. (12-28-51, § 1.)

Sec. 27-106. Aid from citizens.

The members of the police department are authorized and empowered, in cases of urgency or necessity, to demand the aid and assistance of any citizen and it shall be unlawful for any person to refuse or neglect to render such aid and assistance when demanded. (Code 1945, § 47-135.)

Sec. 27-107. Resisting, opposing, etc., policemen.[7]

It shall be unlawful for any person to resist, oppose or molest any member of the police department, while in the discharge of his duty. (Code 1945, § 47-135.)

Sec. 27-108. Unauthorized use of police whistle.

It shall be unlawful for any person, other than police officers or persons entrusted therewith by the police authorities, to use or blow within the corporate limits of the city any duplex or police whistle of the kind now used by the police department as a police call. (Code 1945, § 47-136.)

Sec. 27-109. Hospitals and doctors to make certain reports to police.

All hospitals, doctors and druggists in the city shall report to the police department, within two hours, the name and nature of the case of any person brought under its or his care who is suffering from wounds of any description, whether inflicted by firearm, knife or other weapon or instrument, any unidentified person and any person who is the victim of an accident or who might come under its

7. As to obstructions, hindering, etc., officers generally, see § 24-129.

or his care and whose case is of a suspicious nature. (Code 1945, § 47-146.)

Sec. 27-110. Payment of fines to benevolent association.

Fines collected from members of the police department shall be set aside to the police benevolent association, and they shall be payable out of the city treasury, after their deposit therein, to the proper officer of such association upon the orders of the chief of police. (Code 1945, § 47-120.)

Chapter 27-2. Chief of Police.

§ 27-201. Office created.
§ 27-202. Appointment.
§ 27-203. Bond.
§ 27-204. Tenure.
§ 27-205. Powers and duties generally.
§ 27-206. Duties relative to policemens' equipment.
§ 27-207. Reports to be made.

Sec. 27-201. Office created.

There is hereby created the office of chief of police. (11-27-53, § 1.)

Sec. 27-202. Appointment.

The chief of police shall be appointed by the city manager. (Code 1945, § 47-103.)

Sec. 27-203. Bond.

A bond for the faithful discharge of his duties shall be required of the chief of police, with security approved by the city council, in the sum of four thousand dollars. (Code 1945, § 47-124.)

Sec. 27-204. Tenure.

The chief of police shall hold office until such time as his successor shall be appointed by the city manager. (Code 1945, § 47-103.)

Sec. 27-205. Powers and duties generally.

The chief of police shall have charge and control of the entire police department of the city, under the supervision and direction of the city manager. The equipment, disposition, control and management of the police department shall be entrusted to the chief of police, subject to the directions of the city manager and to such rules, regulations and ordinances as may, from time to time, be made by the city council.

It shall be the duty of the chief of police to preserve all the property of the city pertaining to the police department, to superintend the conduct of the officers and privates, and generally, to promote by all his efforts the efficiency of the police department, and to protect all the interests of the city committed to his charge. (Code 1945, §§ 37-102, re-enacted 1-24-49, § 3; 47-104; 47-115.)

Sec. 27-206. Duties relative to policemens' equipment.

The chief of police shall have charge of the equipment of all members of the police department and shall inspect it at least once in every week, and shall require it to be maintained in good condition for service. (Code 1945, § 47-114.)

Sec. 27-207. Reports to be made.

The chief of police shall make a report, in writing, to the city manager at his office, when required, and shall report all misconduct or irregularity of the policemen while on duty. (Code 1945, § 47-114.)

TITLE 28.

PUBLIC AMUSEMENTS.[8]

Chap.
28-1. In General, §§ 28-101 to 28-122.
28-2. Boxing, §§ 28-201 to 28-213.

Chapter 28-1. In General.

§ 28-101. Trade stimulating or mechanical game devices generally—Minors not to operate.
§ 28-102. Same—Location.
§ 28-103. Same—Placarding.
§ 28-104. Same—Forfeiture of license.
§ 28-105. Amusement boards or books.
§ 28-106. Coin-operated machines.
§ 28-107. Permit for music machines.
§ 28-108. Circus permits.
§ 28-109. Permit for public dances.
§ 28-110. Dance hall permit—Required.
§ 28-111. Same—Revocation.
§ 28-112. Permits for miscellaneous entertainments.
§ 28-113. Petition for license to operate theatre or other place of amusement.
§ 28-114. Operators of moving picture machines—License generally, age, etc.
§ 28-115. Same—Responsibility for safety of establishment and patrons.
§ 28-116. Same—Revocation of license.
§ 28-117. Bowling alleys to close between Midnight and 8:00 A. M.
§ 28-118. Poolrooms generally—Prohibited on portion of Broughton Street; exception.
§ 28-119. Same—To be closed between Midnight and 8:00 A. M.
§ 28-120. Same—Sunday operation prohibited.
§ 28-121. Same—To be open to visits by police; view from outside not to be obstructed.
§ 28-122. Disorderly conduct in poolrooms and bowling alleys.

8. As to authority of mayor to close places of public resort, see § 3-202. As to closing theatres, etc., to prevent the spread of disease, see § 29-113.

Sec. 28-101. Trade stimulating or mechanical game devices generally[9]—Minors not to operate.

No operator of any trade stimulating or mechanical game device shall permit any minor, under the age of eighteen years, to play or operate such device. (Code 1945, § 58-179.)

Sec. 28-102. Same—Location.

No person shall install or permit to be installed on any premises in the city, a trade stimulating or mechanical game device within one hundred yards of any schoolhouse, kindergarten or orphanage. (Code 1945, § 58-180.)

Sec. 28-103. Same—Placarding.

On all trade stimulating or mechanical game devices, there shall be displayed by the operator, owner or proprietor of the place of business where such device is located, a printed sign on each device, which shall be capitalized in bold letters, reading as follows: "AMUSEMENT MACHINE; NO MINORS OR GAMBLING ALLOWED." (Code 1945, § 58-181.)

Sec. 28-104. Same—Forfeiture of license.

Any person who violates any provision of the three preceding sections shall, in addition to the penalty prescribed by section 2-105 of this Code, forfeit his license for the trade stimulating or mechanical game device and shall not be entitled to thereafter procure another license nor to receive a rebate for any portion of the license fee for the remainder of any one year. This penalty shall also prevail whenever such person has been convicted in a court of competent jurisdiction of permitting such machines or devices to be used for gambling purposes. (Code 1945, § 58-182.)

Sec. 28-105. Amusement boards or books.

Before any amusement board or amusement book, is placed in use within the corporate limits of the city, there shall be affixed thereon, by the person using the same as a trade stimulator, a registration stamp, which stamp shall be provided by the office of the city treasurer on payment to him of the required registration fee. It shall

9. As to gambling generally, see §§ 24-115 to 24-117.

be the duty of any distributor of such amusement boards or books to affix such registration stamp to any such board or book before the same is distributed and to place on such stamp the date of such distribution and mark the same "cancelled." Such registration stamps shall be provided by the treasurer, who shall not sell them in quantities of less than one hundred dollars worth, and shall consist of the following denominations: Twenty-five cents, fifty cents, and one dollar, and shall be affixed before such boards or books are placed in use, as follows:

(1) A one-cent board or book, a twenty-five-cent stamp.
(2) A five-cent board or book, or above, a fifty-cent stamp.
(3) A ten-cent board or book, or above, a one-dollar stamp.
(4) Any other board or book of like character, not prohibited by law, a one-dollar stamp.

Such registration stamp shall bear, on its face, the words "City of Savannah, Registration Stamp" and the amount thereof. It shall be the duty of any person using such registration stamp to destroy the same after the merchandise so vended has been sold. No stamp shall be used but once on any such board or book and the same is not permitted to be transferred from one board or book to another.

No such board or book used as a trade stimulator shall be placed in use within the corporate limits of the city until the same has first been approved by the chief of police.

For the purpose of this section, "amusement board or amusement book" is hereby defined as any board or book in use as a trade stimulator not prohibited by law. (Code 1945, §§ 58-219, 58-220.)

Sec. 28-106. Coin-operated machines.[1]

It shall be unlawful for any person, in the city to own, maintain or operate any pinball machine or similar machine, including all machines operated by depositing a coin therein for the playing of a game or the engaging in of any contest of chance or skill. The provisions of this section shall not apply to machines owned and operated exclusively for the sale of merchandise, where neither the element of chance nor skill is involved. (12-30-55, §§ 1, 2.)

Sec. 28-107. Permit for music machine.

As a condition precedent to the operation for profit of any mechanical or automatic musical machine, the lessee or owner thereof

1. As to gambling generally, see §§ 24-115 to 24-117.

shall apply to the city marshal for a permit to authorize the operation of such machine. On making application, such person shall furnish the marshal with the proposed location of the machine, shall state whether the applicant is the owner or lessee of such device and shall deposit with the marshal a permit fee of one dollar. On receipt of such application, the marshal shall refer the same to the chief of police, who is authorized to approve or disapprove the same. On approval of the chief of police, the marshal is authorized to issue the permit. If disapproved, the marshal shall refund the sum of one dollar previously deposited.

The permit issued by the city marshal under this section shall show on its face the name of the applicant, the name of the owner of the device, the date of issuance, the date of expiration and, in addition, shall show the address and location where such device is authorized to be located. The permit shall authorize the operation of the machine for a period of six months from the date of the issuance of the permit.

The city marshal shall keep a record of the dates of the issuance of permits under this section and, at the expiration of every permit, six months from its issuance, the owner or lessee thereof shall be required to renew the same by again applying to the marshal and paying the required permit fee of one dollar. If, at any time, a machine is moved from one location to another, the owner or lessee thereof is hereby required to notify the marshal of such change of location, subject to approval of the chief of police. Such owner or lessee is hereby required to prominently display the permit at all times on the premises where the machine is authorized to be located. (Code 1945, § 58-218.)

Sec. 28-108. Circus permits.

No person shall represent or exhibit any circus or have any circus parade through the streets of the city, without permission previously obtained from the city manager. Upon an application in writing by any person stating the nature of the exhibition or parade proposed, the names of the persons interested and the length of time during which he desires to represent, exhibit or perform and the length of time during which he will occupy a street with a parade, it shall and may be lawful either to refuse altogether the permission applied for or to grant the same for such length of time and subject to such restrictions and to the payment of such sum or sums of money as may be deemed proper and expedient by the city

manager, or as may be specified in the tax ordinance, before such permission shall be granted. (Code 1945, § 58-158.)

Sec. 28-109. Permit for public dances.

Before any person, except a person holding a permit under the following section, shall hold any dance in the city where admission fees are charged or collected, a permit to hold such dance shall be first obtained from the chief of police. A fee of one dollar for every such permit must be paid by the applicant before the chief of police shall issue such permit, which fee shall be paid into the treasury of the city by the chief. Boisterous, riotous or disorderly conduct at any dance held in the city under a permit issued as herein provided shall constitute sufficient ground for the chief of police to decline or refuse to issue a permit for any future dance to be held by the person at whose dance such boisterous, riotous or disorderly conduct took place. (Code 1945, § 40-109.)

Sec. 28-110. Dance hall permit—Required.

No person shall operate a place of business in the corporate or jurisdictional limits of the city and, in connection therewith, operate a dance hall or place of dancing, or permit dancing in such establishment, unless he first obtains a permit so to do from the chief of police. (Code 1945, § 40-112.)

Sec. 28-111. Same—Revocation.

The chief of police shall have the right to revoke any permit issued under the preceding section if there has been any boisterous, riotous or disorderly conduct or if the maintenance of the dance hall or place for dancing disturbs the public peace. Before revoking any such permit, the chief of police shall allow the holder thereof a hearing, and five days' notice of such hearing shall be given to the holder in writing, together with a brief statement of the grounds upon which the chief of police proposes to revoke the permit. If, at the hearing, the holder fails to appear or fails to show any good and sufficient reason, in the judgment of the chief of police, why his permit should not be revoked, the chief shall then and there revoke and cancel the permit and it shall thereafter be unlawful for the holder to operate the dance hall or place for dancing. (Code 1945, § 40-113.)

Sec. 28-112. Permits for miscellaneous entertainments.

No person shall represent or exhibit in public any play, tragedy, comedy, farce or interlude, pantomime, rope or wire dancing or walking, or other entertainment of the stage, or parts therein, feats of acting in horsemanship or otherwise, wax work, curious animals, music, wrestling bouts or other indoor sports or other public shows or entertainments whatsoever, without permission previously obtained from the city manager. Upon an application in writing by any person stating the nature of the representation or exhibition proposed, the names of the persons concerned, and the length of time during which he desires to represent, exhibit or perform, it shall and may be lawful either to refuse altogether the permission applied for, or to grant the same for such length of time, and subject to such restrictions and to the payment of such sum or sums of money as may be deemed proper and expedient to be paid or secured, or as may be specified in the annual tax ordinance, before such permission shall be granted. (Code 1945, § 58-159.1.)

Sec. 28-113. Petition for license to operate theatre or other place of amusement.

Licenses for the operation of theatres, moving picture houses or other places of amusement in the city, shall only be granted upon petition to the city council, stating the location of the theatre, moving picture house or other place of amusement, the name of the proprietor or manager thereof, and generally, the character of entertainment to be given therein.

No license for the operation of any theatre, moving picture house or other place of amusement shall be issued by the treasurer until the petition therefor shall have been granted and approved at the regular meeting of the council; provided, however, that when a petition has once been filed and a license issued, it shall not thereafter be necessary for another application to be filed in order to secure a new license. (Code 1945, § 58-153.)

Sec. 28-114. Operators of moving picture machines—License generally, age, etc.

All commercial operators of moving picture machines must be licensed and of legal age. Before issuing a license to an operator, his habits shall be carefully looked into and an examination of him shall be had before the chief of the fire department or the electrical in-

spector and a licensed motion picture operator selected by a vote of the licensed motion picture operators active in the city, and approved by the chief of the fire department, as to his qualifications and fitness for the position. (Code 1945, § 58-154.)

Sec. 28-115. Same—Responsibility for safety of establishment and patrons.

Operators of moving picture machines shall be held strictly accountable for the safety of the establishment where employed and for the people who attend the performances. (Code 1945, § 58-154.)

Sec. 28-116. Same—Revocation of license.

A moving picture machine operator's license shall be immediately revoked if he is caught smoking or shall have a fire or an accident due to his carelessness. (Code 1945, § 58-154.)

Sec. 28-117. Bowling alleys to close between Midnight and 8:00 A. M.

Every owner, proprietor or manager, or the agent, representative or servant of any owner, proprietor or manager of any bowling alley operated within the limits of the city shall cease the operation of the bowling alley from 12:00 Midnight until 8:00 A. M. every day. (Code 1945, § 58-147.)

Sec. 28-118. Poolrooms generally[2]—Prohibited on portion of Broughton Street; exception.

No poolroom or billiard room shall be operated on Broughton Street between the western line of Lincoln Street and the eastern line of West Broad Street and no license shall be issued for the operation of a poolroom or billiard room within such area; provided, however, that nothing in this section shall prevent the granting of a license to a poolroom or billiard room, and the conduct of such business, which is to be operated in the second story of any building within the area mentioned, if the entrance to such poolroom or billiard room is not on Broughton Street nor within fifty feet of the nearest property line of Broughton Street. (Code 1945, § 58-150.)

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2. For state law as to billiard rooms generally, see Ga. Code Ann., §§ 84-1601 to 84-1616. As to authority of city to regulate the operation of billiard rooms, see Ga. Code Ann., §§ 84-1602, 84-1606.

Sec. 28-119. Same—To be closed between Midnight and 8:00 A. M.[3]

All poolrooms and billiard parlors in the city shall close at or before 12:00 Midnight and shall remain closed from such hour until 8:00 A. M. (Code 1945, § 58-151.)

Sec. 28-120. Same—Sunday operation prohibited.[4]

No poolroom or billiard parlor shall be opened or operated at any time during the Sabbath Day. (Code 1945, § 58-151.)

Sec. 28-121. Same—To be open to visits by police; view from outside not to be obstructed.[5]

At all times when operated, poolrooms shall be open to visitation by the police and at all times, whether operated or not, glass panels shall be maintained in all doors used for entrance to such places and no such window or panel in such place shall be screened, curtained or otherwise maintained so as to interfere with the clear vision from the outside the poolroom or billiard parlor. (Code 1945, § 58-151.)

Sec. 28-122. Disorderly conduct[6] in poolrooms and bowling alleys.

It shall be unlawful for the proprietor of any billiard room or bowling alley to permit riotous, disorderly or noisy conduct within such room or alley to the annoyance of the inhabitants residing near such establishment. (Code 1945, § 41-107.)

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3. For state law as to hours of operation for billiard rooms, see Ga. Code Ann., § 84-1610.
4. For similar state law, see Ga. Code Ann., § 84-1610.
5. For similar state law, see Ga. Code Ann., § 84-1609.
6. As to disorderly conduct generally, see § 24-103.

Chapter 28-2. Boxing.

Article I. Generally.

§ 28-201. Approval of contest—Required.
§ 28-202. Same—Application.
§ 28-203. Same—Grant or denial.

Article II. Boxing Commission.

§ 28-204. Created.
§ 28-205. Composition.
§ 28-206. Terms of members.
§ 28-207. Compensation of members.
§ 28-208. Chairman.
§ 28-209. General authority.
§ 28-210. Physician—Appointment.
§ 28-211. Same—Duties; fees.
§ 28-212. Rules and regulations.
§ 28-213. Removal of members.

ARTICLE I. GENERALLY.

Sec. 28-201. Approval of contest—Required.

No boxing contest or exhibition shall be held in the city, except with the approval of the boxing commission and it shall be unlawful for any person to promote or participate in any boxing contest or exhibition in the city, either as a promoter, contestant, referee, judge, timekeeper, manager, second or in any other manner, unless approval of such contest or exhibition is first obtained. (4-13-56, § 1.)

Sec. 28-202. Same—Application.

Application for the approval required by the preceding section shall be in writing, addressed to the boxing commission, and shall set forth such information as the rules and regulations of the commission may require, and shall be verified by the applicant. (4-13-56, § 1.)

Sec. 28-203. Same—Grant or denial.

The boxing commission is hereby given authority to grant or refuse its approval of a boxing contest or exhibition, in its discretion. (4-13-56, § 1.)

ARTICLE II. BOXING COMMISSION.

Sec. 28-204. Created.

A boxing commission is hereby created and established. (4-13-56, § 1.)

Sec. 28-205. Composition.

The boxing commission shall consist of three members appointed by the mayor. (4-13-56, § 1.)

Sec. 28-206. Terms of members.

The terms of office for members of the boxing commission shall be three years. In no event shall the term of a commissioner expire, however, until the commissioner's successor is appointed and qualified by acceptance of such appointment. (4-13-56, § 1.)

Sec. 28-207. Compensation of members.

The members of the boxing commission shall serve without compensation. (4-13-56, § 1.)

Sec. 28-208. Chairman.

The members of the boxing commission shall elect one of their members chairman to serve for a period of one year and until his successor is elected and takes office for a like term. (4-13-56, § 1.)

Sec. 28-209. General authority.

The boxing commission is hereby vested with sole discretion, management, control and jurisdiction over all boxing contests and exhibitions to be held within the city. (4-13-56, § 1.)

Sec. 28-210. Physician—Appointment.

The boxing commission shall appoint a reputable physician of the city for a term of one year, and annually thereafter, to act as physician for the boxing commission. (4-13-56, § 1.)

Sec. 28-211. Same—Duties; fees.

The duties of the physician appointed under the preceding section

shall be as prescribed by the boxing commission, and his fees shall be paid by the city, upon approval of the commission. (4-13-56, § 1.)

Sec. 28-212. Rules and regulations.

The boxing commission shall make rules and regulations for the holding and governing of boxing contests and exhibitions in the city, and no such contest or exhibition shall be held except in accordance with such rules and regulations. (4-13-56, § 1.)

Sec. 28-213. Removal of members.

A member of the boxing commission may be removed from office in the discretion of the mayor, in which event, the mayor shall appoint a successor to fill the unexpired term of the commissioner removed. (4-13-56, § 1.)

TITLE 29.

PUBLIC HEALTH AND SANITATION.[7]

Editor's note.—Public health generally is governed by Ga. Code Ann., Title 88, pursuant to a resolution adopted by the city council on December 30, 1953.

Chap.

29-1. In General, §§ 29-101 to 29-123.
29-2. City Dispensary, §§ 29-201 to 29-209.

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7. For state law as to public health generally, see Ga. Code Ann., Title 88.

For special legislative provisions relative to public health and sanitation generally, see ch. 1-17.

For ordinance provisions as to sanitary facilities where animals and fowl are kept, see § 6-106. As to inspection of sanitary installations in animal hospitals, see § 6-109. As to food and food establishments, see Tit. 15. For health and sanitation regulations of the Minimum Housing Ordinance, see Tit. 19. As to milk and milk products, see Tit. 21. As to duty of trailer camp owners to report cases of communicable diseases, see § 35-114.

Chapter 29-1. In General.

§ 29-101. Health officer's right of entry.
§ 29-102. Certain persons made special policemen for sanitary purposes.
§ 29-103. Nuisance—Removal generally.
§ 29-104. Same—Abatement by marshal.
§ 29-105. Same—Record of complaints.
§ 29-106. Weeds and vegetable growth—Notice to cut or remove.
§ 29-107. Same—Cutting or removal by city.
§ 29-108. Spitting on sidewalks, etc.
§ 29-109. Collections of water in which mosquitoes breed—Defined.
§ 29-110. Same—Evidence of breeding.
§ 29-111. Same—Treatment required.
§ 29-112. Same—Method of treatment.
§ 29-113. Closing, etc., of theatres, stores, etc., to prevent spread of disease.
§ 29-114. Compulsory vaccination.
§ 29-115. Inspection of pupils in private schools.
§ 29-116. Removal of persons with contagious disease.
§ 29-117. Time limit on burials; depth metal vaults and wooden boxes to be buried.
§ 29-118. Public funerals prohibited in certain cases.
§ 29-119. Public conveyances not to be used for certain bodies.
§ 29-120. Notice of autopsies.
§ 29-121. Private hospitals, sanitariums, etc.—Approval of location, etc.
§ 29-122. Same—License required.
§ 29-123. Only physicians to treat, etc., venereal disease.

Sec. 29-101. Health officer's right of entry.

For the purpose of enforcing the provisions of this title and other ordinances of the city, the health officer or his authorized representatives may, at all reasonable times, enter in and upon any premises within his jurisdiction. (Code 1945, § 31-257.)

Sec. 29-102. Certain persons made special policemen[8] for sanitary purposes.

The superintendent of the sanitation department and the foreman of the scavenger department are hereby made special policemen, subject to the laws of the state in regard to the issuance of warrants and arrests without warrants, and are empowered to arrest any

8. As to police generally, see Tit. 27.

violator of the sanitary regulations of the city. (Code 1945, § 47-154.)

Sec. 29-103. Nuisances—Removal generally.

Whenever any nuisance injurious to the public health or likely to become so is reported to the health officer, he shall forthwith notify in writing the party occupying the premises to remove the nuisance complained of within twenty-four hours after service of the notice, which may be served by the marshal or any member of the police department. It shall be unlawful for any person to fail or refuse to comply with any notice given under this section. (Code 1945, § 31-274.)

Sec. 29-104. Same—Abatement by marshal.

It shall be the duty of the marshal to abate or remove nuisances, when so directed by the recorder of the city. He shall proceed to make the money due on executions for the costs and expenses of abating or removing nuisances out of the property of the person declared to be responsible for the existence of the nuisance abated or removed, or of the person owning or controlling the property adjudged to be a nuisance, by levy and sale in accordance with the law governing sheriffs' levies and sales in this state. (Code 1945, § 12-109.)

Sec. 29-105. Same—Record of complaints.

The health officer shall maintain a record of complaints in which any police officer or any citizen may enter on record a report of any nuisance affecting or likely to affect the public health which he may have observed, stating therein the locality and nature of the nuisance. If any difficulty should arise in the removal of such nuisance, the health officer shall make personal examination into the facts in all such cases and if the person responsible refuses or fails to remove such nuisance, the health officer shall report to the council, which may cause the same to be abated in accordance with the existing laws in relation thereto. (Code 1945, § 31-151.)

Sec. 29-106. Weeds and vegetable growth—Notice to cut or remove.[9]

Whenever there exists on any lot, tract, parcel of land or premises in the city any weeds or vegetable growth which, in the opinion of the health officer, might endanger the public health or welfare, the health officer shall notify the owner or occupant of such property to cut or remove such weeds or vegetable growth.

Sec. 29-107. Same—Cutting or removal by city.

If the property owner or occupant receiving notice under the preceding section fails to have the weeds or vegetable growth cut or removed from his property, within fifteen days after such notice, the director of public improvements shall cut and remove the same and charge the expenses thereof to the owner or occupant, upon the basis of twenty dollars for each lot, tract or parcel of land with a frontage not exceeding sixty feet, and an additional charge of thirty-five cents for each foot of frontage in excess of sixty feet.

If such charges are due and remain unpaid for a period of thirty days after such work is completed the city treasurer shall issue an execution against the owner or occupant of such premises from which such weeds or vegetable growth are cut and removed, or such other persons as may be liable therefor, which execution shall be a lien upon the premises and, when recorded in the general execution docket of the county, shall be a lien on all of the property of the defendant in execution from the date of such record.

Such execution shall be levied and the property sold in the manner now provided for the levy and collection of executions issued by the city on water rents, and the proceedings and provisions for the filing of an affidavit of illegality by the defendant in execution, as well as the proceedings for the filing of a claim to the property levied upon by a third person, shall in all respects be similar to the proceedings and provisions of the law applicable to the levy of executions for water rents and charges made by the city. (9-16-55, §§ 3-5.)

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9. For special legislative authority of the mayor and aldermen to require the cutting and removal of weeds, see § 1-1705.

For ordinance provisions as to cutting grass and weeds in cemeteries, see § 10-142.

Sec. 29-108. Spitting on sidewalks,[1] etc.

It shall be unlawful for any person to spit upon the sidewalks in the city or upon the floor or platform of any public vehicle or in any public building, except in a cuspidor in the building. (Code 1945, § 31-249.)

Sec. 29-109. Collections of water[2] in which mosquitoes breed—Defined.

For the purposes of the three following sections, collections of water in which mosquitoes breed, or are likely to breed, are those contained in ditches, ponds, pools, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except those troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets and defective house roofs. (Code 1945, § 31-252.)

Sec. 29-110. Same—Evidence of breeding.

The nature presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there. (Code 1945, § 31-253.)

Sec. 29-111. Same—Treatment required.

It shall be unlawful for any person to have, keep, maintain, cause or permit within the corporate limits of the city any collection of standing or flowing water in which mosquitoes breed, or are likely to breed, unless such collection of water is treated so as to effectively prevent such breeding. In case the person responsible for the condition of the premises on which mosquitoes breed or are likely to breed fails or refuses to take necessary measures to prevent their breeding within three days after notice in writing has been given him by the health officer, or within such longer time after such notice as may be specified in the notice, he shall be deemed guilty of a violation of this section, and for each day after the expiration of three days from the day on which such notice is given him or for each day after the expiration of the time specified in the notice, as the case may be, that the person responsible fails or refuses to

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1. As to sidewalks generally, see §§ 30-201 to 30-207.

2. As to water generally, see Tit. 37.

take such measures, he shall be deemed guilty of a separate violation of this section. (Code 1945, §§ 31-251, 31-255.)

Sec. 29-112. Same—Method of treatment.

Collections of water in which mosquitoes breed, or are likely to breed, shall be treated by such of the following methods as shall be approved by the health officer:

(a) Screening with wire netting of at least sixteen meshes to the inch each way, or with any other material which will effectually prevent the ingress or egress of mosquitoes.

(b) Complete emptying every seven days of unscreened containers, together with their thorough drying or cleaning.

(c) Using a larvicide approved and applied under the direction of the health officer.

(d) Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every seven days.

(e) Cleaning and keeping sufficiently free of vegetable growth and other obstructions and stocking with mosquito-destroying fish.

(f) Filling or draining to the satisfaction of the health officer.

(g) Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.

(Code 1945, § 31-254.)

Sec. 29-113. Closing, etc., of theatres, stores, etc., to prevent spread of disease.

The health officer is hereby required to order the closing of moving picture shows and houses, schools, churches and other places where people assemble and to prohibit the assemblage of people within the corporate and jurisdictional limits of the city and to regulate the use of busses and other places where people congregate or assemble, and to prescribe and regulate the opening and closing hours of stores and shops whenever, in the opinion of the health officer, such action is necessary to prevent the spread of influenza or other infectious or contagious diseases. (Code 1945, § 31-266.)

Sec. 29-114. Compulsory vaccination.

All persons residing in the city, permanently or temporarily, who have not been successfully vaccinated within the past seven years, are hereby required to be vaccinated. The health officer is hereby

authorized and empowered to require such residents to submit to vaccination and it is hereby made the duty of all persons residing in the city to satisfy the health officer when thereto requested of the fact of such vaccination. The certificate of a reputable Savannah physician shall be taken as sufficient evidence of the fact. Should any person residing permanently or temporarily in the city neglect to be vaccinated or fail or refuse to submit to vaccination when thereto requested by the health officer, or fail or refuse to submit evidence of vaccination when thereto requested, such person shall be subject to the penalty provided for in section 2-105 of this Code. (Code 1945, § 31-196.)

Sec. 29-115. Inspection of pupils in private schools.

All private schools and any other schools, exclusive of the public schools, shall put in force a system of inspection of their pupils under the rules and regulations of the health officer. The expense of such inspection shall be borne by the schools and the inspector for such schools shall be approved by the health officer. (Code 1945, § 31-164.)

Sec. 29-116. Removal of persons with contagious disease.

No person having smallpox, yellow fever, typhoid fever or any other infectious, contagious or pestilential disease, or any transmissible disease dangerous to the public health, shall be removed from one place to another within the city limits, or from any place without the city into the city, without a permit from the health officer. (Code 1945, § 31-146.)

Sec. 29-117. Time limit on burials; depth metal vaults and wooden boxes to be buried.[3]

Whenever any person shall die within the jurisdictional limits of the city, his body shall be buried within thirty-six hours after such death, and this time limit shall in no case be extended, unless a specific permit is asked for and granted in writing by the health officer, and this can only be done on condition that such dead body is embalmed or in some other way protected against decomposition.

Any dead body brought into the city limits shall, if embalmed or in some other manner protected against decomposition, be buried

3. As to cemeteries generally, see Tit. 10.

within twenty-four hours after being so brought in, unless an extension permit is obtained from the health officer. If such body is not embalmed or in some other manner protected against decomposition, it shall be buried within twelve hours after being brought into the city. It shall be incumbent upon the surviving husband, wife, parent, child, brother, sister or next of kin, as the case may be, of such deceased person, and any and all persons who shall have such dead body in charge, and whose duty it shall be to cause the same to be buried, to conform to the regulations in this section.

All concrete or metal burial vaults shall be buried under a minimum of eighteen inches of packed earth, and all wooden burial boxes shall be buried under a minimum of twenty-four inches of packed earth. (Code 1945, §§ 31-179, 31-180, 31-181.)

Sec. 29-118. Public funerals prohibited in certain cases.

It shall be unlawful to have a public or church funeral of any person in the city who has died of smallpox, diphtheria, scarlet fever, yellow fever, typhus fever, Asiatic cholera or any other infectious or contagious disease. The funeral of such person shall be private and unattended by any person other than the immediate family residing in the house where the death takes place. It shall be unlawful to invite or permit at the funeral of any person who has died of any contagious or pestilential disease, or at any service connected therewith, any person whose attendance is not necessary to, or any person to whom there is danger of contagion or spreading contagion thereby. (Code 1945, § 31-182.)

Sec. 29-119. Public conveyances not to be used for certain bodies.

It shall be unlawful for any undertaker or other person who has charge of any funeral in the city of any person who has died of any contagious or infectious disease to use, for the purpose of conveying the body to the cemetery or burial place, any public carriage or conveyance, but he shall in all such cases use a hearse for conveying the body to the cemetery or burial place. (Code 1945, § 31-183.)

Sec. 29-120. Notice of autopsies.

It is hereby made the duty of any physician holding an autopsy in the city, for the purpose of ascertaining whether any death in the city has resulted from any contagious or infectious disease, to

notify the health officer of the time and place for the holding of the autopsy, so as to give the health officer an opportunity to be present at the autopsy. (Code 1945, § 31-117.)

Sec. 29-121. Private hospitals, sanitariums, etc. — Approval of location, etc.

It shall be unlawful for any person to erect a private sanitarium, hospital, nursing home or similar institution in the city, until the location of the building and the plans and specifications therefor have been approved by the health officer. (Code 1945, § 31-194.)

Sec. 29-122. Same—License required.

No private hospital or other institution mentioned in the preceding section shall be operated or maintained in the city, until it has been licensed by the city. (Code 1945, § 31-195.)

Sec. 29-123. Only physicians to treat, etc., venereal disease.

No druggist or other person, not a physician licensed under the laws of the state, shall prescribe, offer or recommend to any person any drugs, remedies or other substances to be used for the cure, treatment or alleviation of venereal disease, or compound any drugs or medicines for such purpose from any formula, prescription or order unless such formula, prescription or order is duly issued and signed by a physician licensed by the state and is issued for the express and sole use of the person for whom the drug or medicine is compounded. (Code 1945, § 31-135.)

Chapter 29-2. City Dispensary.[4]

§ 29-201. Established.
§ 29-202. Hours of operation.
§ 29-203. General duties of keeper.
§ 29-204. Who may prescribe upon dispensary.
§ 29-205. Prescription blanks.
§ 29-206. Renewal of prescriptions.
§ 29-207. Patients to furnish bottles; exception.
§ 29-208. Refusal to fill prescription when patient able to pay.
§ 29-209. Obtaining medicine by misrepresentation.

Sec. 29-201. Established.

A city dispensary for the sick poor of the city is hereby established, under rules and regulations prescribed by the health officer. (Code 1945, § 31-326.)

Sec. 29-202. Hours of operation.

The city dispensary shall remain open from 9:00 A. M. to 5:00 P. M. daily, Saturdays and Sundays excepted. (Code 1945, § 31-330.)

Sec. 29-203. General duties of keeper.

The keeper of the city dispensary shall take the oath prescribed for city officers, give bond in such sum as may be prescribed by the city manager and supply the sick poor of the city with medicines at the times and in the manner prescribed by the rules of the health officer. (Code 1945, § 31-328.)

Sec. 29-204. Who may prescribe upon dispensary.

Only a regularly licensed physician may prescribe upon the dispensary, if the patient is unable to pay. (Code 1945, § 31-330.)

Sec. 29-205. Prescription blanks.

No prescription shall be filled at the city dispensary unless properly written upon the regulation blank provided for that purpose. (Code 1945, § 31-330.)

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4. For special legislative authority of the mayor and aldermen to maintain and operate a municipal hospital, see § 1-1703.

Sec. 29-206. Renewal of prescriptions.

Prescriptions will be renewed at the city dispensary only upon an order written by the physician upon the dispensary blanks, setting forth the number of the prescription to be filled. Such order must be accompanied by the original label, and in no case will a prescription be refilled after thirty days from the date of its first filling. (Code 1945, § 31-330.)

Sec. 29-207. Patients to furnish bottles; exception.

Patients must furnish bottles when liquid preparations are prescribed at the city dispensary, except in cases of emergency, when the dispensary keeper shall use his discretion. (Code 1945, § 31-330.)

Sec. 29-208. Refusal to fill prescription when patient able to pay.

When the keeper of the city dispensary is certain, beyond doubt, of the ability of an applicant to pay for medicine, he shall refuse to fill his prescription, writing his reasons for refusing on the back of the same. Where the keeper has just cause to suspect that patients are able to pay, he shall inform the attending physician, stating his reason for such suspicion. (Code 1945, § 31-330.)

Sec. 29-209. Obtaining medicine by misrepresentation.

Any person who shall, by misrepresentation, obtain medicine from the city dispensary at the public expense, who is able to pay for the same, shall be subject to the penalty as prescribed in section 2-105 of this Code. (Code 1945, § 31-329.)

TITLE 30.

STREETS AND SIDEWALKS.[5]

Chap.
30-1. In General, §§ 30-101 to 30-135.
30-2. Sidewalks Generally, §§ 30-201 to 30-207.
30-3. House Numbers, §§ 30-301 to 30-306.
30-4. Excavations, §§ 30-401 to 30-424.

Chapter 30-1. In General.

§ 30-101. To be used for public purposes only.
§ 30-102. Opening and laying out of new streets.
§ 30-103. Plans and specifications for paving done by private persons—Submission to director of public improvements.
§ 30-104. Same—Approval.
§ 30-105. Permit for installation of underground fuel oil tank within street lines—Required.
§ 30-106. Same—Application.
§ 30-107. Same—Investigation and recommendations of director of public improvements.
§ 30-108. Same—Issuance and effect.
§ 30-109. Removal of unauthorized underground fuel oil tanks.
§ 30-110. Moving of houses through streets.

5. For state law as to street improvements in municipalities having population of six hundred or more, see Ga. Code Ann., §§ 69-401 to 69-434.

For special legislative provisions relative to streets and sidewalks generally, see ch. 1-22.

For ordinance provisions as to prohibition against street banners, see § 4-102. As to advertisements painted on streets and sidewalks, see § 4-105. As to distribution of circulars, bills, etc., on streets, see § 4-108. As to the deposit of dead animals in streets, lanes, etc., see § 6-112. As to removal of debris from streets and sidewalks after building or demolition operations, see § 9-106. As to laying out avenues and walks in cemeteries, see § 10-117. As to prohibition against selling fish on streets, see § 15-106. As to deposit of garbage and trash on streets, see § 17-102. As to motor vehicles and traffic, see Tit. 22. As to begging on city streets, see § 24-101. As to soliciting business on streets and sidewalks, see § 24-138. As to dedication and width of streets in subdivisions, see §§ 31-106, 31-107. As to false information relative to street taxes, see § 32-109. As to prohibition against certain busses using the streets for discharge of passengers and baggage, see § 33-101.

§ 30-111. Gates not to be left open.
§ 30-112. Lanes not to be used as thoroughfares.
§ 30-113. Protection of asphalt from oil, etc.
§ 30-114. Mixing mortar on pavement.
§ 30-115. Installation of certain gutters prohibited.
§ 30-116. Depositing waste in streets, lanes, etc.
§ 30-117. Cellar doors opening on streets, sidewalks, etc.
§ 30-118. Deposit of glass, nails, etc.
§ 30-119. Trains not to block streets for more than five minutes.
§ 30-120. Railroad crossings—At Bull Street and Victory Drive.
§ 30-121. Same—On Bay Street.
§ 30-122. Obstructions generally.
§ 30-123. Removal of obstructions.
§ 30-124. Throwing, etc., articles from upper stories
§ 30-125. Awnings.
§ 30-126. Banisters or balustrades required for certain parapet walls.
§ 30-127. Stepping stones and carriage blocks prohibited.
§ 30-128. Barriers on or about grass plats.
§ 30-129. Removing or depositing sand, earth, etc.
§ 30-130. Poles—Right to erect.
§ 30-131. Same—Hooks and prongs prohibited near street surface.
§ 30-132. Same—Removal or change of location.
§ 30-133. Same—Tax.
§ 30-134. Water closets not to be constructed within line of street or lane.
§ 30-135. Planting trees near property line.

Sec. 30-101. To be used for public purposes only.

No person shall use the streets, sidewalks, lanes or squares of the city for private purposes of any sort. They shall be used only as public ways and for the public purposes for which they are intended.

Sec. 30-102. Opening and laying out of new streets.[6]

The director of public improvements shall approve all necessary surveys for the opening of new streets and the actual opening and laying out of any new streets or lanes shall be under his supervision and direction. (Code 1945, § 11-104.)

6. For similar special legislative provisions, see § 1-2302.

Sec. 30-103. Plans and specifications for paving done by private persons — Submission to director of public improvements.

All persons desiring to pave streets, lanes, sidewalks and public ways, or parts thereof, within the limits of the city shall, before doing such paving, submit to the director of public improvements plans and specifications for such proposed paving, showing the manner in which the paving is to be done, the type of paving and the area to be paved, together with such details as may be required by the director. (4-21-50, § 1.)

Sec. 30-104. Same—Approval.

The director of public improvement shall either approve the plans and specifications submitted under the preceding section, or require such changes in the same as he may deem necessary and advisable. Upon approval of the plans by the director, the person initially submitting them to the director shall then be authorized to do the paving in accordance with the plans and specifications as approved.

In the event that any person lays any pavement without first securing the approval of the director, as above set forth, the city may, prior to accepting the dedication of any such street, lane, sidewalk, or public way, require such additional paving or work to be done on such paving as the director may deem necessary, such work to be done by the owners of such streets, lanes and ways at their expense. (4-21-50, §§ 2, 3.)

Sec. 30-105. Permit for installation of underground fuel oil tank within street lines[7]—Required.

It shall be unlawful for any person to install a fuel oil tank beneath the area contained within the street lines of any street, lane or public way in the city, without first obtaining a permit so to do from the director of public improvements.

Sec. 30-106. Same—Application.

Any person desiring a permit required by the preceding section shall file an application therefor with the director of public improvements requesting the permit and supplying such information in connection with the proposed installation as may be required by the director. (6-1-51, § 1.)

7. For special legislation authority of the mayor and aldermen to authorize the use of areas beneath sidewalks by abutting owners, see § 1-2209.

Sec. 30-107. Same—Investigation and recommendations of director of public improvements.

Upon receiving an application under the preceding section; the director of public improvements shall investigate the same and shall make his recommendations in connection therewith to the city manager. (6-1-51, § 2.)

Sec. 30-108. Same—Issuance and effect.

Upon approval of an application for a permit required by section 30-105 of this Code by the city manager, the permit shall be granted by the director of public improvements, and the applicant shall thereupon be permitted to make the installation upon complying with such requirements as may be made by the director. (6-1-51, § 3.)

Sec. 30-109. Removal of unauthorized underground fuel oil tanks.

Any person who installs a fuel oil tank beneath the area contained within the street lines of any street, lane or public way, without the permit required by section 30-105 of this Code, or in violation of the requirements specified by the director of public improvements, as authorized by section 30-108 of this Code, may be required to remove such tank, or the same may be removed by the director at the expense of the person who installed it. (6-1-51, § 4.)

Sec. 30-110. Moving of houses through streets.[8]

It shall be unlawful for any person to move any house or building through the streets of the city, without permission from the city manager. (Code 1945, § 53-211.)

Sec. 30-111. Gates not to be left open.

Occupants of premises shall not permit to be left open any gate opening outwardly upon a street or lane of the city, except for such

8. As to buildings generally, see Tit. 9.

time as may be necessary to permit ingress or egress through the gate. (Code 1945, § 53-210.)

Sec. 30-112. Lanes not to be used as thoroughfares.

The lanes of the city shall not be used as thoroughfares. They shall be ways for ingress to and egress from the property abutting thereon. (Code 1945, § 53-209.)

Sec. 30-113. Protection of asphalt from oil, etc.

It shall be unlawful for any person to cause or permit kerosene, coal oil, naphtha, benzine, or any other oil or lubricating or illuminating fluid to fall or flow on or over any sheet asphalt or block asphalt pavement in the city. It shall likewise be unlawful for any oil tank wagon or any vehicle conveying oil to pass on any sheet asphalt or block asphalt pavement in the city unless there is provided a pan to catch the drip of the spigot or other device for drawing, measuring or delivering oil. (Code 1945, § 53-259.)

Sec. 30-114. Mixing mortar on pavement.

It shall be unlawful for any person to mix mortar or cause mortar to be mixed on any street, or sidewalk, park or other public place in the city, unless the pavement is protected by a platform constructed to the satisfaction of the director of public improvements. (Code 1945, § 53-259.)

Sec. 30-115. Installation of certain gutters prohibited.

It shall be unlawful for any person to install any gutter or spout to convey any waste of any building into any street or lane of the city. (Code 1945, § 31-777.)

Sec. 30-116. Depositing waste in streets, lanes, etc.[9]

It shall be unlawful for any person to throw or cast any waste of any character on the streets, lanes, squares, or public places of the city. The occupant of any premises from which any waste is thrown shall be deemed guilty of violating this section. (Code 1945, §§ 53-214, 53-215.)

9. As to depositing garbage and trash in streets, see § 17-102.

Sec. 30-117. Cellar doors opening on streets, sidewalks, etc.

No person shall leave any cellar door open so as to encroach upon any street, sidewalk or lane in the city or keep or suffer such a door to remain in bad order or repair. In every instance, the occupant of the store or building where the cellar door is left open shall be deemed the offender, and where the same is kept in bad order or repair, the owner shall be deemed the offender. (Code 1945, § 53-214.)

Sec. 30-118. Deposit of glass, nails, etc.

It shall be unlawful for any person to throw or otherwise place in or on the roadways and sidewalks of the city, or in any of the parks, squares and grass plats therein, or in or on any of the public roads within the jurisdictional limits of the city, any glassware, crockery, earthenware, broken glass, broken crockery, broken earthenware, nails, tacks or any other substances calculated to injure the feet of pedestrians or animals and the wheels of vehicles, except such material as is used by the city or permitted to be used by other corporations or persons in the construction or repair of roadways, driverways and the like. (Code 1945, § 53-258.)

Sec. 30-119. Trains not to block streets for more than five minutes.

It shall be unlawful for any person to permit any railroad train, car or engine to remain stationary or standing for longer than the space of five minutes on any street crossed by a railroad track, or to obstruct in anywise any street crossing for a longer time than five minutes. (Code 1945, § 53-260.)

Sec. 30-120. Railroad crossings—At Bull Street and Victory Drive.

All railroad companies using tracks which intersect and cross Bull Street and Victory Drive shall erect and maintain, at all times, an automatic warning bell, which shall give warning at all times of the approach of all trains, engines and equipment over such tracks. Such railroad shall also provide a flagman, whose duty it shall be to precede each train or engine into such crossing and give warning of the approach of the train or engine at all times, both day and night. In the daytime, the flagman shall be equipped with a red

flag and at night with a burning red lantern. The engineers of all trains and locomotives shall stop each train and each locomotive before crossing the intersection of Bull Street and Victory Drive, no matter in which direction the train or locomotive may be travelling.

As long as a railroad company maintains an interconnection of its electric bell system at the above-mentioned crossing with the city traffic light signals thereat, which will flash red upon the approach of trains, there shall be no duty or requirement on the part of the railroad company to flag such crossing or to stop locomotives and trains before proceeding across the intersection as hereinabove set forth. If the city's traffic light at such crossing should become out of order or inoperative, the proper officials of the city shall thereupon notify the office of the superintendent of the railroad company, or such other person or officer as may be designated, in writing, by the company, and, during the period that such city traffic light is out of order or inoperative, the company shall stop and flag its trains over the crossing in the manner hereinabove required.

In no event shall the speed of any train or locomotive over the crossing mentioned above exceed ten miles per hour. (6-29-51, § 2.)

Sec. 30-121. Same—On Bay Street.

Railroad companies using tracks crossing Bay Street, as extended, in the city, are hereby required to place and maintain on each side of their tracks at such crossings, warning safety devices, approved by the city manager, or watchmen at each track. (Code 1945, § 53-261

Sec. 30-122. Obstructions generally.[1]

No person shall obstruct the streets or sidewalks of the city, except as permitted by the ordinances of the city. (Code 1945, § 53-285.)

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1. As to obstruction of avenues and pathways in cemeteries, see § 10-118. As to obstructing streets when the same are being used by members of the fire department, see § 14-209. As to prohibition against vehicles obstructing streets, see § 22-110.

Sec. 30-123. Removal of obstructions.

Any obstruction in the streets, lanes or other ways dedicated, whether within or without the city, shall be subject to summary removal by the director of public improvements, with the aid of the police department. Any person who shall molest or interfere with such officers, or either of them, in the removal of obstructions shall, upon conviction thereof, be subject to the penalty prescribed in section 2-105 of this Code. (Code 1945, § 11-122.)

Sec. 30-124. Throwing, etc., articles from upper stories.

It shall be unlawful for any person to cast, throw out or suffer to fall from the upper or second stories of buildings within the limits of the city any articles whatsoever. The occupiers of buildings out of which such articles shall be cast, thrown or suffered to fall, contrary to the provisions of this section, shall be deemed the offenders. (Code 1945, § 53-212.)

Sec. 30-125. Awnings.

It shall be unlawful for any person owning any building to have any awning over any window on such building in the city where such awning would overhang any sidewalk, street or lane in the city, and it shall be further unlawful for any tenant occupying any building in the city to place on the outside of the windows of any such building any awning where such awning will overhang any sidewalk, street or lane in the city, where such awning has any loose parts or fixtures which are insecurely fastened to such building, and it shall be unlawful to permit such loose parts or fixtures to become insecurely fastened or such awning to become insecure. (Code 1945, § 53-224.)

Sec. 30-126. Banisters or balustrades required for certain parapet walls.

All persons owning or erecting any parapet wall bordering on or ranging with any street leading to the Savannah River, or any of its wharves, or running at right angles, or in any manner diverging from such streets, shall, at their expense, erect and at all times keep in good repair a good and sufficient banister or balustrade of wood or iron on such wall, which banister or balustrade shall be at the proper distance from the brink of the wall, and shall be not less

than three feet high and calculated by its strength and construction to afford protection to pedestrians. (Code 1945, § 53-247.)

Sec. 30-127. Stepping stones and carriage blocks prohibited.

No person shall have or maintain in the street or on the sidewalk in front of property owned or leased by such person, any stepping stone or carriage block. (Code 1945, § 53-199.)

Sec. 30-128. Barriers on or about grass plats.

No person shall erect or maintain upon or about any grass plat in the city adjacent to property owned or leased by him any barrier of a height less than two and one-half feet. All such barriers shall be not less than six inches from the paved portion of the sidewalk. Barbed wire shall not be used as a barrier. (Code 1945, § 53-288.)

Sec. 30-129. Removing or depositing sand, earth, etc.

It shall be unlawful for any person to remove any sand from the bank or bluff of the city or to dig or remove sand or earth, or deposit sand, earth or other material, at any point in the public domain, or in the streets or lanes of the city, without authority from the director of public improvements. (Code 1945, § 53-202.)

Sec. 30-130. Poles[2]—Right to erect.

It shall be unlawful to erect any poles in any street, lane, park or square of the city without the consent of the city manager. If, in the judgment of the city manager, the erection is proper, it may be allowed. (Code 1945, § 53-225.)

Sec. 30-131. Same—Hooks and prongs prohibited near street surface.

No hook or prong shall be left on any pole within eight feet of the surface of the street. (Code 1945, § 53-233.)

Sec. 30-132. Same—Removal or change of location.

All poles erected in any street, lane, park or square in the city

2. As to prohibition against attaching banners, placards, etc., to poles, see § 4-104.

may be removed or the location thereof changed at any time by order of the council. (Code 1945, § 53-232.)

Sec. 30-133. Same—Tax.[3]

Every person erecting poles on the streets, lanes, public ways or thoroughfares of the city shall pay a tax therefor at the rate of fifty cents per annum for each pole so erected. The persons owning such poles shall make written return to the city treasurer of the poles and pay the charges herein required within fifteen days from the first day of January. In default of such payment, execution may be issued therefor as are executions for other city taxes. (Code 1945, § 58-170.)

Sec. 30-134. Water closets[4] not to be constructed within line of street or lane.

It shall be unlawful for any person to build or construct any water closet or place to be used as such over or into the line of any street or lane in the city. Any such place so built or constructed shall be deemed a public nuisance and shall be liable to immediate removal as such at the expense of the offending party. (Code 1945, § 31-319.)

Sec. 30-135. Planting trees near property line.

In the planting of trees in the city, the following distance from the property line shall be observed:

On streets less than fifty feet wide, the trees shall be planted ten feet from the property line; on streets fifty feet and less than sixty feet in width, twelve feet from the property line; on streets sixty feet or more in width, thirteen feet from the property line.

It shall be unlawful to plant trees in the city at distances other than those hereinbefore designated, and any tree planted in violation of this section may be removed upon the order of the park and tree commission. (Code 1945, §§ 53-240, 53-241.)

3. For special legislative provisions relative to taxation, see ch. 1-24. For ordinance provisions as to taxation generally, see Tit. 32.

4. As to water closets generally, see §§ 26-409 et seq.

Chapter 30-2. Sidewalks Generally.[5]

§ 30-201. Duty of lot owners to build.
§ 30-202. Duty of lot owners to repair.
§ 30-203. Inspection and notice to repair defects.
§ 30-204. Repairs by city—Generally.
§ 30-205. Same—Statement of expenses and execution therefor.
§ 30-206. Grade to be maintained.
§ 30-207. Use of barrels, handcarts, etc., prohibited.

Sec. 30-201. Duty of lot owners to build.

Every owner of a lot, piece or parcel of ground within the corporate limits of the city, upon notice from the mayor and aldermen shall be bound to place a good and sufficient pavement or sidewalk of the kind required by this chapter and other city ordinances, according to specifications furnished by the director of public improvements, along the whole length and depth of the lot which fronts on any street or square of the city. The mayor and aldermen shall have the power to order such paving of sidewalks and repairs of the same as they may deem proper. Upon the failure of any person to comply with such order within the time prescribed, the mayor and aldermen may have the same done and levy and collect the expenses thereof by execution against the lands and goods and chattels of the owner of the lot, whether holding the same under lease-hold title from the city or by title otherwise derived. (Code 1945, §§ 53-272, 53-273.)

Sec. 30-202. Duty of lot owners to repair.

It is hereby made the duty of the owner or lessee of any lot in the city to keep in good repair the sidewalk along the whole length and depth of such lot, including the iron boxes for gas and water connections in the sidewalk, which shall have metal covers, adapted to the sidewalk level. (Code 1945, § 53-275.)

Sec. 30-203. Inspection and notice to repair defects.

The director of public improvements shall, from time to time, cause every sidewalk in the city to be closely and systematically inspected, noting all defects and obstructions, and giving to the abut-

5. As to spitting on sidewalks, set § 29-108.

ting property owner or lessee a notice in writing specifying the defect in the sidewalk and designating the character of work to be done, either by relaying or repaving, to put such sidewalk into good order and condition, and requiring such owner or lessee to do such necessary work within thirty days.

The notice required by this section shall be signed by the director of public improvements in duplicate. One copy thereof shall be served by the city marshal or his deputy upon the person to be notified, either personally or by leaving the same at his residence. If such person is a nonresident of the city, service shall be made by the marshal by mailing a copy of the notice to the person at his last-known postoffice address, or be served upon the resident agent of such owner, if there is any, in the manner prescribed above for service upon the resident owner. The other copy of the notice shall be returned by the marshal to the director of public improvements, with a return of service noted thereon. (Code 1945, §§ 53-279, 53-281.)

Sec. 30-204. Repairs by city—Generally.

In the event that a notice given under section 30-203 of this Code is not complied with within the time prescribed therein, the director of public improvements shall proceed to have the necessary work done so as to put the sidewalk mentioned in such notice in good repair and condition, as directed by him. (Code 1945, § 53-279.)

Sec. 30-205. Same — Statement of expenses and execution therefor.

After the work has been done under the preceding section, the director of public improvements shall give a written statement thereof to the city treasurer showing the expense of such work, the locality and the name of the abutting property owner. Thereupon, the city treasurer shall issue an execution against such owner and the abutting property for the amount of such expense, and shall place the execution in the hands of the city marshal to be proceeded with as in cases of other executions. (Code 1945, § 53-280.)

Sec. 30-206. Grade to be maintained.

No person shall be permitted to increase or lower the height of the sidewalk in front of his lot above or below the level or grade directed by the director of public improvements.

In putting sidewalks in good order and repairing the same, all persons shall be required to maintain the grade as laid down by the director of public improvements, and no sidewalk shall be taken and held as in good order if any part of its surface is raised out of the proper grade by any cause or if the cellar areas are out of grade or if the sidewalk holds water in any part thereof. (Code 1945, §§ 53-274, 53-282.)

Sec. 30-207. Use of barrels, handcarts, etc., prohibited.

No person shall use any barrel, handtruck, wheelbarrow or handcart of any description upon the sidewalks of the city, except when necessary to cross sidewalk from the curb to the entrance of a lot, building or enclosure. (Code 1945, § 53-286.)

Chapter 30-3. House Numbers.[6]

§ 30-301. Required.
§ 30-302. Notice to owners.
§ 30-303. Centesimal or block system to be used.
§ 30-304. Bull Street to divide eastern and western sections.
§ 30-305. Location.
§ 30-306. Unauthorized removal, mutilation, etc.

Sec. 30-301. Required.

Every person owning a house or building in the city shall place thereon a number designated by the director of public improvements. (Code 1945, § 53-251, readopted by 7-23-54, § 1.)

Sec. 30-302. Notice to owners.

It shall be the duty of the director of public improvements to learn what houses or buildings are not numbered in accordance with this chapter and he shall call the attention of the owner of such houses or buildings to the same in writing. If the owner does not place the designated number upon the house or building within ten days after such notice, he shall be placed upon the docket of the police court and punished as provided in section 2-105 of this Code. The mailing of such notice properly addressed to the owner shall be evidence

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6. As to buildings generally, see Tit. 9.

of the service thereof. (Code 1945, § 53-252, readopted by 7-23-54, § 1.)

Sec. 30-303. Centesimal or block system to be used.

In designating the numbers of houses and buildings, the director of public improvements shall use the centesimal or block system, as far as practicable, upon the streets running east and west, that is to say, each separate block shall be designated by a different number in hundred, the first block to be from one to one hundred, the next block commencing with one hundred and one, and so on. (Code 1945, § 53-248.)

Sec. 30-304. Bull Street to divide eastern and western sections.

Bull Street shall be the dividing line between the eastern and western sections of the city and, in fixing the numbers of the streets running east and west, the director of public improvements shall commence from Bull Street with No. 1 and the numbers shall increase going east for the eastern section of the city, and shall increase going west from Bull Street for the western section. (Code 1945, § 53-250.)

Sec. 30-305. Location.

The number for a house or building designated by the director of public improvements shall be placed on the front of the house or building, over or near the front door thereof. (Code 1945, § 53-251, readopted by 7-23-54, § 1.)

Sec. 30-306. Unauthorized removal, mutilation, etc.

Any person removing, injuring or mutilating a number placed upon a house or building in pursuance of this chapter, without the consent of the owner of the house or building and the director of public improvements, shall be punished as provided in section 2-105 of this Code. (Code 1945, § 53-254, readopted by 7-23-54, § 1.)

Chapter 30-4. Excavations.

§ 30-401. Permit required.
§ 30-402. Plans and specifications.
§ 30-403. Bonds required.
§ 30-404. Supervision of work.
§ 30-405. Protection of existing structures, pipe lines, etc.
§ 30-406. Protection of trees, shrubs, etc.
§ 30-407. To be made with vertical walls.
§ 30-408. Maximum size of pavement openings.
§ 40-409. Trenches in pavement not to be kept open more than five days.
§ 30-410. Needless interference with travel prohibited.
§ 30-411. Repaving and replacing of materials generally.
§ 30-412. Restoration by city.
§ 30-413. Backfills—How made.
§ 30-414. Same—Inspection required.
§ 30-415. Same—Notice when inspection desired.
§ 30-416. Replacing surface of unpaved streets and alleys.
§ 30-417. Restoration of unpaved sidewalk, banquette, etc., areas.
§ 30-418. Ditches or trenches near curb line.
§ 30-419. Cut backs—For paved streets and alleys.
§ 30-420. Same—For concrete sidewalks.
§ 30-421. Safety measures—Generally.
§ 30-422. Same—Covers.
§ 30-423. Notice to city when work completed.
§ 30-424. Settlements after repaving.

Sec. 30-401. Permit required.

It shall be unlawful for any person to make any excavation or opening in any street, alley, lane, sidewalk, boulevard or planting space in the city, without first obtaining a permit so to do from the director of public improvements.

Sec. 30-402. Plans and specifications.

Every applicant for a permit under this chapter shall file with the director of public improvements plans and specifications for the work desired to be done, which plans and specifications shall show the location of the work and shall give such data as may be necessary to enable the director of public improvements to fix the amount of the bonds required by section 30-403 of this Code.

Sec. 30-403. Bonds required.

Every person applying for a permit under this chapter shall file with the director of public improvements a bond conditioned for the payment of all damages to property or persons resulting in any manner from any work done under such permit or under the provisions of this chapter. Such person shall also file with the director a bond guaranteeing the payment of all expenses of replacement work and repairs required by this chapter.

The amount of the bonds required by this section shall be fixed by the director of public improvements who shall, in determining such amount, take into consideration the data submitted as required by section 30-402 of this Code.

Sec. 30-404. Supervision of work.

Any work authorized by a permit issued under this chapter shall be done under the supervision of the director of public improvements.

Sec. 30-405. Protection of existing structures, pipe lines, etc.

It shall be the duty of every person holding a permit required by this chapter to make all investigations necessary to locate existing underground structures, pipe lines and conduits in the area where the work is contemplated and to maintain and protect all such underground structures, pipe lines and conduits during the progress of the work authorized by the permit.

Sec. 30-406. Protection of trees, shrubs, etc.

In planting areas, no trench or excavation shall be made that will remove or endanger any shrubbery, flowers, trees or other planting, unless special arrangements are first made with the park and tree commission prior to making the excavation.

Sec. 30-407. To be made with vertical walls.

It shall be the duty and obligation of every person obtaining a permit under the provisions of this chapter to make all excavations with vertical walls.

Sec. 30-408. Maximum size of pavement openings.

During the construction or laying of underground conduits, tubes, pipes, conductors, cables or wires under a permit issued under this chapter, no street, alley, lane or road shall be opened or the pavement broken into for a greater distance than three hundred feet at any time, except by consent of the director of public improvements, and such opening or trench shall not be of greater width than two feet. (Code 1945, § 53-291.)

Sec. 30-409. Trenches in pavement not be kept open more than five days.

No section of the three-hundred foot opening mentioned in section 30-408 of this Code shall be kept open for a longer period than five days. (Code 1945, § 53-291.)

Sec. 30-410. Needless interference with travel prohibited.

In no event shall any excavation in a pavement or crossing be made or continued so as to interfere needlessly with travel through any street, lane or thoroughfare. (Code 1945, § 53-203.)

Sec. 30-411. Repaving and replacing of materials generally.

All repaving of streets, lanes, alleys, sidewalks, curbing and curb and gutter and the replacing of material in all streets, lanes, alleys, banquettes, boulevards and planting spaces shall be done by the party receiving the permit for such work, all in compliance with the provisions of this chapter.

Sec. 30-412. Restoration by city.

Should any person fail to replace materials, or fail to restore areas to their original condition, or in any way fail to comply with the conditions of this chapter within one week after he has been notified by the director of public improvements that such work should be done, the city, through the director of public improvements, shall have the right to do the necessary work of restoration of original conditions and charge the cost of the same to the party doing the excavation work.

Sec. 30-413. Backfills—How made.

In replacing all excavations in streets or alleys, paved or unpaved, and on any public property, for which a permit is issued under this chapter, any backfill shall be made with good, sound material, free from all muck, wood, trash or other foreign material and shall be made in not more than six-inch layers and each layer shall be moistened, if necessary, and well tamped until the backfill is completed.

Sec. 30-414. Same—Inspection required.

No backfill shall be made in connection with work done under the provisions of this chapter, until an inspector for the director of public improvements has examined the excavation and has authorized the backfill.

Sec. 30-415. Same—Notice when inspection desired.

It shall be the duty and obligation of the holder of a permit under this chapter to notify the director of public improvements at least four hours in advance of the time when an inspection required by the preceding section is desired. Should the inspector order the paving material cut back due to tunnelling, or due to wall caving or not being vertical, the holder of the permit shall follow the instructions and call for another inspection before backfilling is started.

Sec. 30-416. Replacing surface of unpaved streets and alleys.

In all unpaved streets and alleys, after the backfill is completed, the party holding a permit under this chapter shall replace the surface material with whatsoever type of material that existed on the street or alley when the excavation was made and shall finish such surface and connections with the adjacent surface material in a manner satisfactory to the inspector for the director of public improvements.

Sec. 30-417. Restoration of unpaved sidewalk, banquette, etc., areas.

In all unpaved sidewalk, banquette, boulevard or planting space areas, after the backfill is completed, such areas shall be replaced

in the condition that existed prior to making the excavation, particularly regarding sod or grass and proper elevation of finished surface.

Sec. 30-418. Ditches or trenches near curb line.

Any trench that is excavated in the banquette space in the rear of the curb shall be so located that the wall of the ditch or excavation shall be twenty-four inches or more from the back line of the curb; provided, however, that when any utility line, pipe or conduit is to be laid in a ditch or trench under circumstances and conditions that result in the ditch or trench wall being less than twenty-four inches from the rear line of the curbing, the applicant for the excavation permit shall apply for a special permit from the director of public improvements, and the applicant shall furnish the city an agreement or a bond, satisfactory to the director of public improvements, which agreement or bond guarantees that the applicant will reconstruct the curbing, or curbing and gutter, should any settlement occur along and adjacent to the ditch or trench, such replacement to be according to the city standard plans and specifications and at the expense of the applicant.

Sec. 30-419. Cut backs—For paved streets and alleys.

After the backfill is completed to the subgrade or to the bottom of the paving slab or foundation in all paved streets or alleys, it shall be the duty and obligation of the holder of a permit under this chapter to make a cut back and remove the paving material beyond the outside vertical line or wall of the trench, and beyond any wall line that should develop due to the caving or sliding of the original trench wall in the following manner:

The cut back of paving material shall be twelve inches on each side of the trench or excavation on all minor traffic streets and alleys and, on major traffic streets, only when the cut or excavation, including the cut back, lies within what is termed the parking area, or within six feet of the curb line.

When the trench, cut or excavation is made in a major traffic street, avenue or alley, outside the limits above described, or inside the above limits, if the trench or excavation exceeds a width of twenty-four inches, the cut back described above shall be made twenty-four inches on each side of the trench or excavation.

Whenever trenches or excavations are so located in paved streets

or alleys that, when the proper cut back in the paving is made, the limits of the cut back fall within twelve inches or less of each other, or the remaining space in the old paving is twelve inches or less, this remaining space of old paving shall be removed and the replacement made continuous, and such replacement charged to the permit holder.

Sec. 30-420. Same—For concrete sidewalks.

Whenever a cut or excavation is made in any concrete sidewalk after the backfill is completed to the subgrade, it shall be the duty and obligation of the holder of a permit under this chapter to make a cut back and remove the concrete sidewalk material beyond the outside vertical line or wall of the trench twelve inches on each side, when the sidewalk is constructed on the entire area between the curb line and the property line, but, should the cut back line fall within less than twelve inches of the lines of the block marking, the entire block shall be cut and replaced. On all sidewalk replacements the cut back shall be made in compliance with instructions from the inspector for the director of public improvements and all sidewalk replacements shall be made in compliance with the standard specifications of the city.

Sec. 30-421. Safety measures—Generally.

It shall be the duty and obligation of the holder of a permit under this chapter to safeguard the public in every manner by maintaining the necessary guards, barricades, red lights, etc., during construction and by maintaining the street or alley surface in a good and safe condition.

Sec. 30-422. Same—Covers.

The director of public improvements is hereby authorized, should he consider it necessary for the protection of vehicle or pedestrian traffic, to order the holder of a permit under this chapter to construct a cover for any trench or excavation after the backfill is completed. Such cover shall consist of not less than two-inch planking, well fastened together, the top to be smooth and all edges to be bevelled, and such cover shall be at least six inches larger than the dimensions of the trench or excavation, and laid over the same. When so ordered, such cover shall be maintained in a good, safe condition.

Sec. 30-423. Notice to city when work completed.

It shall be the duty and obligation of the holder of a permit to excavate in any paved street or alley to notify the director of public improvements, in writing, that he has completed the backfill and cut back, according to the provisions of this chapter, and that such cut or excavation is ready for repairs or repaving.

Sec. 30-424. Settlements after repaving.

It shall be the duty of any applicant for or holder of a permit under this chapter to make the replacements required by this chapter in such a manner as to prevent settlements in the paving over the excavation. Should settlement occur over any trenches or excavations after the paving is relaid, it shall be the obligation of the holder of the permit to pay the entire expense of correcting the settlement and all expense of opening, refilling, tamping and repaving, and all costs incidental to such replacements should such method be necessary, in the opinion of the director of public improvements, to prevent a future or continual settlement or failure.

The director of public improvements shall notify the holder of the permit of any condition due to settlement or noncompliance with this chapter, giving the holder the opportunity to observe and examine the condition referred to. After such examination, the director of public improvements shall have the necessary repairs or replacements made and charge the expense to the holder of the permit.

TITLE 31.

SUBDIVISIONS.[7]

§ 31-101. Map or plan generally—Must be submitted to and approved by mayor and aldermen.
§ 31-102. Same—Recordation and deposit of copies.
§ 31-103. Same—Lots not to be sold unless two preceding sections complied with.
§ 31-104. Plans to be submitted to metropolitan planning commission.
§ 31-105. Approval of plan by director of public improvements and health department.
§ 31-106. Dedication of streets.
§ 31-107. Width of streets.
§ 31-108. Laying of water or sewer mains.
§ 31-109. Preliminary plat.
§ 31-110. Signing and recordation of final plat.

Sec. 31-101. Map or plan generally—Must be submitted to and approved by mayor and aldermen.[8]

No tract of land lying within the corporate limits of the city or within two miles of such corporate limits shall be laid off into lots and streets and lanes, or subdivided in any manner, until a map or plan of such subdivision shall have been first submitted to and approved by the mayor and aldermen. (Code 1945, § 42-107.)

Sec. 31-102. Same—Recordation and deposit of copies.

A copy of the map or plan of a subdivision, when approved by the mayor and aldermen, shall be recorded by the parties making such subdivision in the office of the clerk of the superior court of Chatham County and copies deposited with the board of commissioners of roads and revenues of Chatham County and with the director of public improvements, before offering any such lots for sale. (Code 1945, § 42-107.)

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7. For special legislative provisions relative to subdivisions generally, see ch. 1-23.

For ordinance provisions as to sewerage service in subdivisions, see ch. 37-5.

8. For similar special legislative provisions, see § 1-2301.

Sec. 31-103. Same—Lots not to be sold unless two preceding sections complied with.[9]

No person shall sell, or advertise or offer any lot of any subdivision, without complying with the provisions of the two preceding sections. (Code 1945, § 42-108.)

Sec. 31-104. Plans to be submitted to metropolitan planning commission.

All plans for proposed subdivisions within the city shall be submitted to the metropolitan planning commission for its recommendations prior to their submission to the mayor and aldermen. (7-8-55, § 1.)

Sec. 31-105. Approval of plan by director of public improvements and health department.

Prior to the submission of a proposed subdivision plan to the metropolitan planning commission, the approval of the director of public improvements and the health department shall be indicated on the plan. (7-8-55, § 2.)

Sec. 31-106. Dedication of streets.[1]

The filing of a map or plan for a subdivision shall constitute a dedication for public purposes of all the streets, lanes or other highways thereon delineated. (Code 1945, § 42-107.)

Sec. 31-107. Width of streets.

Streets within a subdivision in the city or within two miles thereof shall have a minimum width of sixty feet. (5-2-47, § 1.)

Sec. 31-108. Laying of water or sewer mains.[2]

When any person owning any subdivision within the limits of

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9. For special legislative provisions authorizing the city to regulate the sale of lots in subdivisions, see § 1-2305.

1. For special legislative provisions relative to streets generally, see ch. 1-22. For similar special legislative provisions, see § 1-2304.
For ordinance provisions as to streets generally, see Tit. 30.

2. As to plumbing generally, see Tit. 26. As to water and sewers generally, see Tit. 37.

the city desires to lay or install water or sewer mains, or both, or any facilities in connection therewith, in any of the streets or lanes of the city, the city shall, at its expense, provide the necessary labor and equipment for the performance of such work and the person owning the subdivision shall provide, at his cost, all material necessary for the performance of the work. This section shall not become effective unless and until the plan for laying and constructing the sewer or water mains, or both, including the type and kind of material to be used, shall have been approved by the proper official of the city.

Nothing contained in this section shall be deemed to obligate the city to provide labor or equipment for the laying or construction of either water or sewer mains in any particular subdivision, this to be left entirely to the option of the city in the case of any particular subdivision. (2-11-49, §§ 1-3.)

Sec. 31-109. Preliminary plat.

The developer of any subdivision in the city or within two miles thereof shall have a preliminary plat of such subdivision prepared by a registered surveyor. The surveyor shall discuss the preliminary plat with the metropolitan planning commission to eliminate features which do not conform to the regulations and then submit the plat for consideration by the commission. The commission will indicate approval on a print of the preliminary plat, which will be returned to the surveyor. Any changes required by the commission will be marked on this print.

Upon approval of the preliminary plat, the developer may proceed with his improvements with the assurance that the final plat will be approved, if it conforms with the approved preliminary plat. (5-2-47, § 1.)

Sec. 31-110. Signing and recordation of final plat.

On completion of the improvements in a subdivision required by the city and county engineers, or the guarantee of their completion under bond, the final plat can be signed by the proper officials and recorded. (5-2-47, § 1.)

TITLE 32.

TAXATION.[3]

Chap.
32-1. In General, §§ 32-101 to 32-118.
32-2. Board of Tax Assessors, §§ 32-201 to 32-214.
32-3. Board of Tax Appeals, §§ 32-301 to 32-312.

Chapter 32-1. In General.

§ 32-101. General duties of marshal relative to tax executions.
§ 32-102. Deputy marshals for tax collection.
§ 32-103. Specific tax register—Preparation, contents, etc.
§ 32-104. Same—Approval.
§ 32-105. Same—Disposition of copies.
§ 32-106. Same—Supplementation.
§ 32-107. City marshal charged with amount of specific taxes.
§ 32-108. Taxes to be paid before recordation of real estate transfers.
§ 32-109. False information relative to street tax.
§ 32-110. False information relative to license tax.
§ 32-111. Purchaser at tax sale to be put in possession.
§ 32-112. Taxes on capital of banking associations, trust companies, etc.—Levy.
§ 32-113. Same—Computation.
§ 32-114. Land and improvements in industrial areas adjacent to city—Listing on tax books.
§ 32-115. Same—Assessors to be provided with map.
§ 32-116. Same—Notice and payment of tax.
§ 32-117. Same—Executions for unpaid taxes.
§ 32-118. Same—Compliance with constitutional amendment prerequisite to assessment or collection of tax.

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3. For state law as to public revenue generally, see Ga. Code Ann., Title 92. As to municipal taxation generally, see Ga. Code Ann., §§ 92-4001 to 92-4409.

For special legislative provisions exempting airport property from taxation, see § 1-1221. As to authority to tax the use of streets, see § 1-2201. As to commutation tax, see §§ 1-2204, 1-2205. For provisions relative to taxation generally, see ch. 1-24.

For ordinance provisions as to authority of sinking fund commission to enforce taxation, see § 3-1307. As to computation, collecting, etc., of alcoholic beverage taxes, see §§ 5-108 et seq. As to tax on poles erected on streets, lanes, etc., see § 30-133.

Sec. 32-101. General duties of marshal relative to tax executions.[4]

It shall be the duty of the city marshal, upon receiving any execution for taxes under any of the provisions of this Code or other ordinance of the city from the treasurer, to proceed forthwith to execute the same by levying on any property, real or personal, belonging to the person against whom the same may have been issued, found within the city, and he shall sell the property so levied upon in the same manner that a sheriff does under execution of the superior courts of this state. The advertisement of the sale of property under this section shall be in such newspaper in the city as the council may designate, subject to the provisions and laws of Georgia in such cases made and provided. In all cases, the amount to be collected on any such execution so placed in his hands, shall include interest at six per cent from the time when the tax for which such execution was issued became due and payable, and such costs as may be allowed thereon. The marshal shall also collect the sum of one dollar on every execution placed in his hands; provided, however, that the marshal shall have the authority to remit or relieve the payment of the sum of one dollar on any execution, when, in his discretion, such remittance or relief is justified.

It shall be the duty of the marshal to forthwith pay and account for all moneys collected upon such execution, and at the same time to return such executions to the city manager, with an account of his actings and doings thereon. In all cases of insolvency or where no property can be found of the person against whom the execution was issued and placed in his hands, it shall be his duty to return the same to the city manager within the time prescribed, and he shall be credited therewith on his receipt to the treasurer. (Code 1945, § 12-105.)

Sec. 32-102. Deputy marshals for tax collection.

The city marshal is authorized to appoint, subject to approval by the city manager, deputy marshals to aid the marshal in the collection of taxes due the city, who shall continue in office only so long as their services shall be needed for such purpose. Such deputies shall give bond, with one or more good sureties, to be approved by the city manager, to the mayor and aldermen for the

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4. As to issuance of executions generally, see § 3-709.

faithful discharge of the duties of their office. Such deputies shall have all authority to do all things incident to the collection of taxes as the marshal himself. (3-6-53, § 1.)

Sec. 32-103. Specific tax register — Preparation, contents, etc.

It shall be the duty of the city marshal to prepare two specific tax registers each year, one of which shall be known as the original and the other as the duplicate. This register shall be prepared in a book or on sheets appropriately ruled and arranged alphabetically to show under each name the nature of the business or businesses carried on by the person or corporations assessed and the total amount of specific taxes collectible. Upon final completion of the specific tax register by the marshal, he shall forthwith prepare a certificate and swear to the same before any officer authorized to administer oaths, embracing the facts shown and referred to in the following form:

"I, ..., City Marshal of the City of Savannah, Georgia, do solemnly swear that the specific tax register for the year ..... to which is attached this certificate, contains a full and correct list of all the individuals, firms and corporations pursuing occupations subject to payment of specific taxes in the City of Savannah, Georgia, so far as I have been able to ascertain the same; that the assessment set down in the proper column opposite each name, aggregating the amount of $..... is true and correct, as ascertained by me, and that the footings of the several columns in said specific tax register and the amount of taxes shown as collectible is correct as I verily believe.

.....
City Marshal"

(Code 1945, § 12-108.)

Sec. 32-104. Same—Approval.

The certificate of the city marshal referred to in the preceding section, after having been approved by the city manager, shall be read at the next meeting of the council. The spreading of the certificate upon the minutes shall be deemed an approval of the specific tax register by the council, unless action to the contrary by the council is taken at this meeting. (Code 1945, § 12-108.)

Sec. 32-105. Same—Disposition of copies.

After the specific tax register referred to in the two preceding sections has been approved by the city council, the original shall be kept by the marshal and the duplicate shall remain in the vault of the clerk of council. (Code 1945, § 12-108.)

Sec. 32-106. Same—Supplementation.

Any additions to the specific tax register after the approval thereof by council shall be prepared by the city marshal on a form for that particular purpose known as the supplement to the specific tax register for the particular year. After being approved by the city manager and council, the total of such supplemental taxes shall be charged by the director of finance to the city marshal and entered by the marshal in the supplemental section of the specific tax register. All these supplemental amounts shall be valid claims against the city marshal and the sureties on his official bond, until the same shall be properly accounted for. (Code 1945, § 12-108.)

Sec. 32-107. City marshal charged with amount of specific taxes.

It shall be the duty of the director of finance to charge to the account of the city marshal the total amount of taxes due to the city for the current year as shown on the specific tax register and by the certificate of the marshal, which amount shall be a valid claim against the marshal and the sureties on his official bond, until the same shall be properly accounted for. (Code 1945, § 20-111.)

Sec. 32-108. Taxes to be paid before recordation of real estate transfers.[5]

All transfers of real estate within the corporate limits of the city shall be filed by the grantee for record with the board of tax assessors and all taxes due to the city up to the end of the current half and all paving assessments past due shall be paid before such transfer is recorded. (8-3-56, § 1.)

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5. For special legislative authority of the mayor and aldermen to enact this section, see § 1-2410.

Sec. 32-109. False information relative to street tax.

It shall be unlawful for any person to give or furnish to the city marshal or his lawful deputy any false or incorrect information in regard to liability for street tax or in regard to the residence, location or occupation of such person whom the marshal or his lawful deputy may deem liable for the street tax, whenever the marshal or his lawful deputy is seeking from such person information for the purpose of listing such person on the street tax rolls of the city. (Code 1945, § 58-178.)

Sec. 32-110. False information relative to license tax.

It shall be unlawful for any person to give or furnish to the city marshal or his lawful deputy any false or incorrect information in regard to the kind of business, the extent of the business or the location of the business of any such person in the city, either in writing or orally, whenever the marshal or his lawful deputy may make inquiries in regard to the same for the purpose of listing such business for the payment of the business or license tax due the city. (Code 1945, § 58-177.)

Sec. 32-111. Purchaser at tax sale to be put in possession.

Whenever land is sold by the city marshal or deputy marshal for taxes due and owing to the city, it shall be the duty of such officer, at any time after one year from the date of such sale, to place the purchaser or his agent in possession of the property, and to this end, he may dispossess the defendant in fi. fa. or his heirs, lessees or tenants. (Code 1945, § 12-106.)

Sec. 32-112. Tax on capital of banking associations, trust companies, etc.—Levy.

There shall be levied a tax of two and three-tenths per cent upon all capital invested or used in banking associations, trust companies, brokerage concerns, savings associations, private banks or companies or corporations engaged in accepting deposits and making loans upon real estate or in accepting deposits and making loans in general on either real or personal property, except banks or bankers or banking institutions or associations now returning and paying to the city an ad valorem tax as provided by ordinance upon the capital structure of their concerns.

This section shall not apply to banks or banking associations which pay to the city taxes upon the true value of their capital structure, as determined by a computation of their capital stock, surplus and undivided profits, less real estate. (5-6-49, §§ 1, 2.)

Sec. 32-113. Same—Computation.

In computing the amount of assessment required by the preceding section, all capital invested and employed in the business shall be subject to taxation under the same requirements as are required of banks or banking institutions which have capital stock as their capital structure, subject to the right on the part of the taxpayer to deduct from its returns real estate owned by it and upon which a separate return is required. (5-6-49, § 3.)

Sec. 32-114. Land and improvements in industrial areas adjacent to city—Listing on tax books.

All land and improvements located within those areas of Chatham County adjacent to or near the limits of the city, known as industrial areas, which are more particularly described in a resolution proposing an amendment to article VII, section I, paragraph III, of the state constitution, which resolution is set forth in the Acts of the General Assembly of Georgia of 1950, beginning at page 444, shall be listed on the books of the tax assessors of the city in such a manner as to identify the particular property and to indicate the name and address of the owner thereof and the assessed value thereof as provided in such amendment to the constitution. All persons acquiring title to any property or improvements in such industrial areas shall promptly present to the tax assessors the deed or other instrument evidencing such acquisition of title so that the same may be transferred to the name of the new owner upon the books. If such acquisition is less than the whole of the property of any property owner, so that it is necessary that a division be made of the assessment of such property on the books of the tax assessors, then such person presenting the deed or other instrument shall also present to the tax assessors a certificate from the chairman of the board of county tax assessors or from the receiver of tax returns for the county, showing the assessment by the county of such property to be transferred, so that the city tax assessors may divide the assessment on the entire property in the same manner that the same is divided on the books of the receiver of tax returns of the county. (8-8-52, §§ 1, 3, 4.)

Sec. 32-115. Same—Assessors to be provided with map.

It shall be the duty of every property owner in the areas mentioned in the preceding section owning more than one acre of land to provide the city tax assessors with a map of such size as may be required by the city tax assessors, showing thereon the property owned by such owner which map shall be kept on file by the tax assessors. (8-8-52, § 2.)

Sec. 32-116. Same—Notice and payment of tax.

At the same time that any notices are sent by the city to owners of lands or improvement in the city, such notices shall also be sent to the owners of lands or improvements within the industrial areas mentioned in section 32-114 of this Code, and the taxes due by such owners in accordance with the provisions of the constitutional amendment referred to in section 32-114 of this Code may be paid at the same times and in the same proportions as city ad valorem taxes on land and improvements in the city are paid. (8-8-52, § 5.)

Sec. 32-117. Same—Executions for unpaid taxes.

Upon failure of the owner of any land or improvements within the industrial areas mentioned in section 32-114 of this Code to pay such taxes as may be due thereon, executions shall be issued by the city treasurer in the same manner that executions are now issued for delinquent taxes due by owners of lands and improvements within the city and such executions so issued shall be dealt with in the same manner as such executions for city taxes on lands and improvements. (8-8-52, § 6.)

Sec. 32-118. Same — Compliance with constitutional amendment prerequisite to assessment or collection of tax.

No taxes shall be assessed or collected on lands or improvements located in industrial area No. 3, as described in the constitutional amendment referred to in section 32-114 of this Code, unless and until the requirements of the constitutional amendment have been complied with by the city. (8-8-52, § 7.)

Chapter 32-2. Board of Tax Assessors.[6]

§ 32-201. Created.
§ 32-202. Composition and appointment of members.
§ 32-203. Clerk generally.
§ 32-204. Acting chairman.
§ 32-205. Oath of members.
§ 32-206. Bond of members.
§ 32-207. Duty to value and assess real estate and improvements.
§ 32-208. Returns of personal property generally.
§ 32-209. Failure to make or making false returns of personal property.
§ 32-210. Tax digests.
§ 32-211. Tax rolls.
§ 32-212. Objections to valuation.
§ 32-213. Right of entry.
§ 32-214. Record of proceedings.

Sec. 32-201. Created.

There is hereby created a board of tax assessors for the city. (Code 1945, § 56-101.)

Sec. 32-202. Composition and appointment of members.

The board of tax assessors shall consist of the tax assessor, who shall be appointed by the city manager and who shall be the chairman of the board, and two assistant tax assessors appointed by the tax assessor with the approval of the city manager.

Sec. 32-203. Clerk generally.

One of the assistant tax assessors shall be designated by the chairman of the board of tax assessors as clerk of the board. The clerk shall perform such duties as are prescribed by ordinance and by lawful rules and regulations of the board. (Code 1945, §§ 56-101, 56-107.)

Sec. 32-204. Acting chairman.

Whenever the chairman of the board of tax assessors is absent

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6. For state law as to municipal assessors, see Ga. Code Ann., § 92-4001.

For special legislative provisions relative to assessments, reassessments, etc., see §§ 1-2402 to 1-2406.

from the city, or for any reason is unable to attend to the duties of his office, the clerk of the board shall be acting chairman of the board. The acting chairman shall have the same authority, powers and duties that are prescribed and given to the regularly appointed chairman of the board. (Code 1945, §§ 56-102, 56-103.)

Sec. 32-205. Oath of members.

In order to qualify for office, each member of the board of tax assessors shall take and subscribe, before the clerk of the council, an oath to the effect that he will well and truly perform all of the duties pertaining to his office as prescribed by law, which oath shall be filed in the office of the clerk of council. (Code 1945, § 56-105.)

Sec. 32-206. Bond of members.

Each member of the board of tax assessors shall give a bond in the penal sum of ten thousand dollars, payable to the mayor and aldermen of the city, and conditioned for the faithful performance and discharge of all his duties as a tax assessor. The bond of the chairman and the clerk shall also be conditioned for the faithful performance and discharge of the duties of each, respectively, as chairman and clerk. (Code 1945, § 56-105.)

Sec. 32-207. Duty to value and assess real estate and improvements.

It shall be the duty of the board of tax assessors to value and assess all real estate and improvements within the city liable for taxation. (Code 1945, § 56-108.)

Sec. 32-208. Returns of personal property generally.

The board of tax assessors shall require all returns of personal property subject to taxation and held or owned on the first day of January or on any date between January first and March first of each year to be made before the assessors at their office upon such form as they may prescribe or approve, by the first day of March of each year. The following oath or affirmation shall be administered to each and every person making a return for taxation of personal property:

"You do solemnly swear (or affirm) that the returns which you are about to make shall be a just and true statement of all personal

property of every kind which you held or owned on the first day of January, or on any date between January first and March first (inserting here the year), or were interested in, either in your own right or the right of any person or persons whomsover, either as parent, guardian, executor, administrator, agent or trustee, or any other manner whatsoever, to the best of your knowledge, information and belief. You do further swear that you will truly, correctly and fully answer all questions asked you by the tax assessors in reference to said return and that you have not conveyed or assigned to others or removed out of the City of Savannah any property whatsoever to avoid returning the same for taxation."

The tax assessors shall keep the tax book open and ready for returns until the time specified above, of which full notice shall be given to the taxpayers by publication in the official organ of the city and by such other means as the board may adopt.

It shall be the duty of the tax assessors to have prepared suitable books for the purpose of receiving returns as provided herein.

The assessors shall have power in all cases to swear a person making a return that he will tell the truth, the whole truth and nothing but the truth, in answer to their questions, and to interrogate him closely for the purpose of having a just, full, true and correct return and valuation made. (Code 1945, § 56-108.)

Sec. 32-209. Failure to make or making false returns of personal property.

If any person fails, neglects or refuses to make a return of his personal property within the time prescribed in the preceding section, or fails to make a true return or attempts at fraud in returning the same, or fails to truly answer such questions as may be asked, or to submit his personal property for the inspection and valuation of the assessors, or fails to furnish such data and information as may be called for by them, then it shall be the duty of the assessors, jointly, from the best information they can get in reference to the kind and value of the personal property owned and possessed by such person, to arrive at the true value of the same and place it upon the books. They shall have power in this connection to subpoena before them persons making returns for taxation and to cause them to procure before them for inspection their books, policies of insurance and other papers, to subpoena and examine witnesses and to take all other steps necessary in the

judgment of the assessors in the premises in order to obtain true and correct returns.

In case of false, fraudulent or unfair returns, the tax assessors shall cite the person making the same before them on some day to be fixed by them to show cause why the return should not be corrected. Upon any such person so cited appearing before them, they shall, if requested, hear such evidence as to the real value of the return in dispute as may be submitted to them and determine the same. If such person so cited refuses or neglects to appear, his returns shall be corrected by the assessors according to the best information they can obtain.

The assessors shall enter upon their books the name of any person who shall either fail or refuse to give in his property and of all they are unable to find, and who they may believe to be subject to a tax on personal property and of the amount of the tax assessable against them.

In case any person fails or refuses to make returns of personal property, as required in this chapter, it shall be in the power of the tax assessors to assess such person at double the amount of the immediately preceding tax return, and if no return shall have been made, then the assessors shall have the power to assess such person such amount as may be proper in their judgment; provided, however, that upon petition made to the tax assessors by any such person within thirty days after such assessment, or double assessment, and not thereafter, the tax assessors shall hear the petitioner, and such evidence as may be adduced before them, and if proper excuse is shown, in the judgement of the tax assessors, they shall have the power to reduce such assessment or double assessment upon such terms as they may deem just and equitable. The decision of the assessors, after hearing the evidence, shall be final.

In addition to any other penalty prescribed by this section, any person who shall knowingly make any incomplete or unfaithful return for taxation, or who shall refuse to make a return, shall be subject to the penalty prescribed in section 2-105 of this Code. (Code 1945, §§ 56-108, 56-111, 56-112.)

Sec. 32-210. Tax digests.

After the returns of personal property are in and corrected, where corrections are necessary, the tax assessors shall enter the same upon two identical tax digests, alphabetically arranged, one

of which tax digests shall be retained for use in their office and the other shall be placed in the office of the city treasurer. In levying or assessing the rate of taxation, the city authorities shall do so upon the value reported in the tax digest. (Code 1945, §§ 56-108, 56-113.)

Sec. 32-211. Tax rolls.

Immediately after the board of tax assessors completes the assessment roll of real estate and improvements and personal property, it shall be its duty to prepare two tax rolls, one of which shall be known as the original and the other as the duplicate. These tax rolls shall be prepared in a book, or on sheets, appropriately ruled and arranged alphabetically, to show under each name the total amount of the assessment and taxes.

On the final completion of the tax rolls by the board of assessors, it shall forthwith prepare a certificate and swear to the same before any officer authorized to administer oaths, embracing the facts shown and referred to in the following form:

"We ..... Chairman and ..... comprising the Board of Tax Assessors of the City of Savannah, Georgia, do solemnly swear that the tax roll for the year ....., to which is attached this certificate, contains a full and correct list of all the real and personal property, subject to taxation in the City of Savannah, Georgia, so far as we have been able to ascertain the same; that the assessed value is the true and correct valuation thereof, as ascertained by us, and that the footings of the several columns in said tax roll and the amount of taxes shown as collectible is correct as we verily believe.

....., Chairman
.....
....."

The certificate of the board, after having been approved by the city manager, shall be read at the next meeting of the council. The spreading of the certificate upon the minutes shall be deemed an approval of the tax rolls by the city council, unless action to the contrary by the council is taken at this meeting.

After the tax rolls shall have been approved by the city council in the manner described above, the original shall be delivered to the city treasurer and the duplicate shall remain in the vault of the clerk of council. It shall further be the duty of the director of finance to charge to the account of the city treasurer the total

amount of taxes due to the city for the current years shown on the tax rolls and by the certificate of the board of assessors, which amount shall be a valid claim against the city treasurer and the sureties on his official bond, until the same shall be properly accounted for. (Code 1945, § 56-108.)

Sec. 32-212. Objections to valuation.

The board of tax assessors shall give to any citizen or property owner an opportunity to appear before the board and make objection to the valuation placed by it upon any personal property or upon any piece of real property and, if in the judgment of the assessors, the valuation as fixed is too high, they may change the same. A written notice directed to the last-known address of the property owner and deposited in the United States mail or publication in any newspaper published in the city ten days before the date for hearing complaints shall be deemed sufficient and legal notice under this section. All persons who are owners of taxable real property located within the corporate limits of the city shall, if they have any objection to the valuation placed on such property by the board of tax assessors, file objection thereto during the period from August first to August fifteenth, inclusive, of each year. (Code 1945, § 56-109.)

Sec. 32-213. Right of entry.

In the discharge of their duties, the tax assessors shall be authorized to enter the store or place of business of any person, but shall not enter any private residence, without the consent of the occupants. (Code 1945, § 56-108.)

Sec. 32-214. Record of proceedings.

The clerk of the board of tax assessors shall keep a correct record of the proceedings of the board, which shall always be subject to the inspection of the mayor, any alderman and the city manager. (Code 1945, § 56-107.)

Chapter 32-3. Board of Tax Appeals.[7]

§ 32-301. Created.
§ 32-302. Composition.
§ 32-303. Terms of members.
§ 32-304. Designation of chairman.
§ 32-305. Compensation of members.
§ 32-306. Right of appeal generally.
§ 32-307. Appeal to be in writing and signed; contents of appeal.
§ 32-308. Appeal to be accompanied by fee.
§ 32-309. Hearing of appeals generally and notice thereof.
§ 32-310. Frequency, day and time of hearings.
§ 32-311. Rules, regulations and records.
§ 32-312. Appeal when assessment changed after August fifteenth.

Sec. 32-301. Created.

There is hereby created and established for the city a board of tax appeals. (Code 1945, § 56-120.)

Sec. 32-302. Composition.

The board of tax appeals shall be composed of three freeholders elected by the city council. (Code 1945, § 56-120.)

Sec. 32-303. Terms of members.

The members of the board of tax appeals shall be elected for terms of six years, except that all vacancies occurring by death, resignation or removal shall be for the unexpired term. (Code 1945, § 56-120.)

Sec. 32-304. Designation of chairman.

One of the members elected to the board of tax appeals shall be designated by the city council as chairman of the board. (Code 1945, § 56-120.)

Sec. 32-305. Compensation of members.

The members of the board of tax appeals shall be paid, through the city treasurer, fifteen dollars each, per day, for their services

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7. For state law as to municipal boards of tax appeals, see Ga. Code Ann., § 92-4001.

for days consumed by them in the hearing of appeals. (8-12-49, § 4.)

Sec. 32-306. Right of appeal generally.

Except as provided in section 32-312 of this Code, no appeal shall be filed with the board of tax appeals, until a petition for review shall have first been filed in writing with the board of tax assessors and acted upon by such board. The board of tax assessors shall notify the taxpayer in writing of its action and the taxpayer shall, if still dissatisfied, have the right to file an appeal in writing to the board of tax appeals asking them to review and modify the action of the board of tax assessors, which appeal shall be filed within fifteen days from the time that such taxpayer has been notified of the action of the board of tax assessors. A notice forwarded by the board of tax assessors to the recorded address on the tax books of the city of the taxpayer, deposited in the mail, shall be sufficient and the time shall be computed from the date of mailing. (1-12-51, §§ 2, 3.)

Sec. 32-307. Appeal to be in writing and signed; contents of appeal.

An appeal to the board of tax appeals shall be in writing and signed by the property owner or his agent or attorney, and shall not be required to contain any greater detail than an expression of the dissatisfaction of the property owner with the assessment placed upon his property and a brief description of the property assessed, and a statement that the appeal is made in good faith. (8-12-49, § 1.)

Sec. 32-308. Appeal to be accompanied by fee.

All appeals to board of tax appeals must be accompanied by a money order or certified check in the sum of five dollars, which money is to be returned in the event that the appeal is sustained, in whole or in part, and in such cases where the appeal is not sustained, but the board feels that the appeal was not made for the purpose of delay, but in good faith and there was some merit in the appeal. Whenever the money deposited is not returned, it shall be forwarded by the board of tax appeals to the city treasurer. (1-12-51.)

Sec. 32-309. Hearing of appeals generally and notice thereof.

The board of tax appeals shall promptly hear and determine all appeals by property owners from the assessment and value placed on their property by the board of tax assessors, first giving to the appellant or his attorney ten days' notice of the time and place of hearing. Such notice shall be deemed sufficient if directed and sent by the United States mail to the last-known address of the appellant or his attorney or if published once in any daily newspaper published in the city. At the time and place specified in the notice, the board of tax appeals shall hear, under oath, all the facts and evidence relating to the taxpayer's assessment and the value of the property assessed, and, after the hearing, shall order the assessment reduced, raised or approved, as the board may find to be just, fair and reasonable. (Code 1945, § 56-120; 8-12-49, § 2.)

Sec. 32-310. Frequency, day and time of hearings.

Hearings of the board of tax appeals shall be held at least every sixty days during the first week of January, March, May, July, September and November of each year. The board shall fix the day and time of hearing within the prescribed weeks. (8-12-49, § 3.)

Sec. 32-311. Rules, regulations and records.

The board of tax appeals shall have the authority and power to prescribe such rules and regulations as to the procedure to be followed in cases of appeal, and to keep such records, as, in its judgment, may be necessary or proper. (8-12-49, § 3.)

Sec. 32-312. Appeal when assessment changed after August fifteenth.

Whenever the assessment on any real property within the corporate limits of the city is changed by the board of tax assessors after August fifteenth, the time now fixed for filing objections with the board of tax assessors, it shall be the duty of the chairman of the board of tax assessors to forward a notice of such changed assessment to the property owner, who shall then have the right, within ten days thereafter, to file an appeal for review of such change in assessment to the board of tax appeals, as provided in this chapter. (8-12-49, § 5.)

TITLE 33.

TAXICABS AND OTHER VEHICLES FOR HIRE.[8]

Chap.
33-1. In General, §§ 33-101 to 33-106.
33-2. Taxicabs Generally, §§ 33-201 to 33-213.
33-3. Insurance, §§ 33-301 to 33-306.
33-4. Driver's Permit, §§ 33-401 to 33-410.

Chapter 33-1. In General.

§ 33-101. Certain busses not to use streets for discharge of passengers or baggage.
§ 33-102. Speed governor—Required.
§ 33-103. Same—Approval.
§ 33-104. Same—Seal.
§ 33-105. Same—Certificate of inspection.
§ 33-106. Same—Preceding sections enacted under police power, etc.

Sec. 33-101. Certain busses not to use streets for discharge of passengers or baggage.[9]

The streets, alleys and sidewalks of the city, shall not be used by motorbusses, operated for hire, for parking purposes in receiving and discharging passengers or baggage, when such motorbusses are so operated on regular or fixed routes or regular or fixed schedules in the carriage of passengers or baggage from points beyond the limits of the county, irrespective of whether the same are used in intrastate commerce or interstate commerce.

The owners or lessees of motorbusses carrying on such business as set out above shall provide, within the city, a suitable terminal station with sufficient parking space at, near or around the same for the parking of all such motorbusses in receiving and discharging passengers or baggage, where the same are carried by such motorbusses from points beyond the limits of the county, irrespective of whether such busses are so engaged in intrastate business or interstate business, so that the streets, alleys and sidewalks of the city shall not be used for parking purposes in receiving or discharging such passengers or baggage. (Code 1945, §§ 53-267, 53-268.)

8. As to motor vehicles and traffic generally, see Tit. 22.

9. As to authority of mayor and aldermen to prohibit parking in order to clear traffic for busses discharging and taking on passengers, see § 22-109.

Sec. 33-102. Speed governor[1]—Required.

Every person owning or operating a taxicab or other motor vehicle for hire upon the streets of the city shall equip such vehicle with a standardized speed governor, which shall limit and restrict the speed of the vehicle to thirty-five miles an hour while being operated upon the streets of the city. (Code 1945, § 59-106.)

Sec. 33-103. Same—Approval.

The speed governor required by the preceding section shall be approved by an officer designated by the chief of police. (Code 1945, § 59-106.)

Sec. 33-104. Same—Seal.

The speed governor required by section 33-102 of this Code shall be sealed and the seal shall not be broken after the same has been approved and inspectd by the executive officer of the police department. (Code 1945, § 59-106.)

Sec. 33-105. Same—Certificate of inspection.

The driver or operator of any motor vehicle for hire or taxicab shall at all times carry in the vehicle a certificate of inspection, relating to the speed governor, from the police department, which certificate he shall exhibit to any police officer upon demand. (Code 1945, § 59-106.)

Sec. 33-106. Same — Preceding sections enacted under police power, etc.

The four preceding sections were enacted under the general police powers inherent in the mayor and aldermen of the city, and the requirements imposed therein are made conditions precedent to persons doing business upon the streets of the city with public taxicabs and motor vehicle for hire. (Code 1945, § 59-106.)

1. As to speed limits generally, see § 22-115.

Chapter 33-2. Taxicabs Generally.

§ 33-201. Identification marking generally.
§ 33-202. Numbers generally.
§ 33-203. Identification lights.
§ 33-204. Registration of number and names of owner and operator.
§ 33-205. Driver's cap and badge.
§ 33-206. Driver not to leave vehicle while waiting to be hired.
§ 33-207. Soliciting passengers.
§ 33-208. Cruising.
§ 33-209. Carrying more than one fare-paying passenger.
§ 33-210. Schedule of rates to be posted.
§ 33-211. Stands generally.
§ 33-212. Telephone stands.
§ 33-213. Leasing, renting, etc., vehicles.

Sec. 33-201. Identification marking generally.

Every taxicab shall have a sign plainly painted on the passenger door on each side of the vehicle, in letters not less than four inches high, containing the full name of the company or individual owning the vehicle and the word "Taxicab". (Code 1945, § 59-105.)

Sec. 33-202. Numbers generally.

There shall be painted on the passenger door on each side and on the rear of each taxicab a number at least six inches high, such number to be a separate and distinct number from that on any other public vehicle or taxicab in the city. Such number shall be assigned to such taxicab and the owner thereof by the police department and shall not be altered or changed, without the consent of the department. (Code 1945, § 59-105.)

Sec. 33-203. Identification lights.

Every taxicab operated on the streets of the city shall possess, as a part of its equipment, an identification insignia on the top, which shall be electrically lit at night when such taxicab is in use, and which top light shall carry either the name of the company operating the taxicab, the word "Taxi" or the word "Taxicab". (5-14-54, § 1.)

Sec. 33-204. Registration of number and names of owner and operator.

The number assigned a taxicab in accord with section 33-202 of this Code, together with the names of the owner and operator of the taxicab, shall be registered at the police department in a book to be kept by the executive officer of the department for such purpose. (Code 1945, § 59-105.)

Sec. 33-205. Driver's cap and badge.

All drivers of taxicabs using the streets of the city shall wear, when driving such taxicabs, a uniform cap of the type known as a chauffeur's cap, which shall also carry a badge. Such badge on such cap shall bear the name of the company owning the taxicab, or, if the taxicab is owned by the driver, shall bear an insignia indicating that the driver is a chauffeur. (5-14-54, § 2.)

Sec. 33-206. Driver not to leave vehicle while waiting to be hired.

It shall be unlawful for any driver of any taxicab to leave such vehicle while waiting to be hired. (Code 1945, § 59-105.)

Sec. 33-207. Soliciting passengers.

It shall be unlawful for any person to solicit passengers, directly or indirectly, at any taxicab stand or upon the streets of the city. (Code 1945, § 59-105.)

Sec. 33-208. Cruising.

It shall be unlawful for any taxicab driver to drive such vehicle about the streets of the city while not actually engaged or not actually in service of transporting a passenger from one place to a point of destination, except at such times as the vehicle is not available for public use. To drive the streets of the city with a taxicab while not actually engaged or not actually in the service of transporting a passenger from one place to a point of destination, except as above provided, will be construed as soliciting and a violation of this section. (Code 1945, § 59-105.)

Sec. 33-209. Carrying more than one fare-paying passenger.

It shall be unlawful for the operator of any taxicab to pick up a second passenger or to permit any other person to occupy or ride in the taxicab when the same is occupied by a fare-paying passenger or by members of the party of the fare-paying passenger, without the consent of such fare-paying passenger. (Code 1945, § 59-105.)

Sec. 33-210. Schedule of rates to be posted.[2]

Every person engaged in the business of operating within the corporate limits of the city a taxicab shall have posted in a conspicuous place in the vehicle operated for the transportation of passengers a printed and detailed schedule of the rates charged by the taxicab for the transportation of passengers. This schedule shall show specifically the rate chargeable per passenger for transportation. (5-4-51, § 1.)

Sec. 33-211. Stands generally.[3]

No parking of taxicabs shall be permitted in the city, except at such stands as may be designated by the police department; those places to be designated by signs. Whenever the police department shall assign specific spaces at taxicab parking stands for use by specific taxicab companies, such stands shall be used exclusively by such designated companies and by no other companies or persons. (3-6-53, § 1.)

Sec. 33-212. Telephone stands.

It shall be unlawful for any person to install or attach any telephone or similar device on any telephone post, telegraph post, tree, post or on the side of any building in any street, sidewalk, alley or lane in the city for the purpose of using such telephone in connection with the taxicab business, unless a place in the street adjacent to such telephone has been designated a regular stand for taxicabs.

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2. For special legislative provisions authorizing the city to regulate the rates charged by taxicabs, see § 1-134.

3. As to authority of mayor and aldermen to prohibit parking for the purpose of establishing taxicab stands, see § 22-109.

Any person desiring to have a place designated as a regular stand for taxicabs in the city, where a telephone is to be installed adjacent to such stand on a telephone pole, telegraph post, tree, box, side of a building, on the sidewalk or in the street, shall make application in writing to the police department for the establishment of such taxicab stand, setting out where such stand is desired to be set apart. The written permission of the property owner whose property abuts directly in the street where such taxicab stand is to be established shall be first obtained and filed with the application. (Code 1945, § 59-108.)

Sec. 33-213. Leasing, renting, etc., vehicles.

After the owner or operator of any public motor vehicle for hire or taxicab has given the policy of indemnity insurance required by section 33-301 of this Code, it shall be unlawful for him to hire, rent, lease or sublet such vehicle to any other person or to enter into any similar agreement, scheme or device with any such person unless and until the owner of the vehicle notifies the police department, in writing, of such lease or similar agreement, together with the name and address of the person to whom the vehicle is hired, leased or sublet. The person to whom the vehicle is hired, leased or sublet shall paint his name thereon as required in this title and shall pay a license fee to the city. In addition, he shall give bond or furnish an indemnity insurance policy, as required by this title. (Code 1945, § 59-102.)

Chapter 33-3. Insurance.

Editor's note.—The license referred to in this chapter is that required by the annual revenue ordinance. This ordinance is not printed in this Code, but may be found on file in the office of the clerk of the city council.

§ 33-301. Required, amount, etc.
§ 33-302. Blanket policy.
§ 33-303. Conditions.
§ 33-304. Term, expiration and renewal.
§ 33-305. Notice when voided.
§ 33-306. Right of action.

Sec. 33-301. Required, amount, etc.

The owner of any taxicab or other motor vehicle for hire desiring a license to do business shall give a policy of indemnity insurance with an indemnity insurance company authorized to do business in the state in the sum of five thousand dollars for each automobile or vehicle, which policy must substantially be subject to the approval of the city manager. No license shall be issued to any person until the policy hereinbefore provided for has been given and approved and the policy must be attached to the application for a license to operate such vehicle. (Code 1945, § 59-102; 12-26-52, § 1.)

Sec. 33-302. Blanket policy.

Any person operating any public vehicle for hire or taxicab shall give a separate policy of indemnity insurance for every separate public vehicle for hire or taxicab, except where such person actually owns or holds the legal title to more than one public vehicle for hire or taxicab, in which event, such person may give one policy of indemnity insurance covering all of the public vehicles for hire or taxicabs actually owned by him. This latter provision, however, shall not apply to any group of persons separately owning public vehicles or taxicabs, who may be jointly operating or doing business under a trade name.

All taxicab companies must file, with their application for a license to do business, an insurance policy of indemnity for a period of the calender year on their entire fleet of cars and an affidavit to the effect that, when additions or deletions of cabs are made within the year, certificates covering the same shall be filed with the clerk of the council to support the original application. (Code 1945, § 59-102; 12-26-52, § 1.)

Sec. 33-303. Conditions.

There must be endorsed on or incorporated in any liability insurance policy given by the owner or operator of a public vehicle for hire or taxicab the following provisions:

"In consideration of the premium stated in the policy to which the endorsement is attached, the insurer hereby insures the motor vehicles described in the policy and any motor vehicles substituted therefor, but not additional motor vehicles, and agrees to pay within the limits of the policy or any endorsement attached thereto, any final judgment for personal injuries, including death resulting therefrom, to any person (except employees of the assured engaged in operating or caring for such vehicles) and damages to property, which may be obtained in any court of competent jurisdiction to compel such payment, in accordance with the terms of the policy to which this endorsement is attached.

"No condition, provision, stipulation or limitation contained in the policy or any other endorsement thereon, or violation of any of the same by the assured shall affect in any way the right of any person injured in person or property by the negligence of the assured, or relieve the insurer from liability provided for in this endorsement, or from the payment of any such judgment, to the extent and in the amounts set forth in the policy.

"The insurer consents to be joined in any suit which shall be brought by a member of the public against the insured under this policy.

"This endorsement when countersigned by a duly authorized representative of the Company and attached to Policy No....., issued to....., shall be valid and form a part of this policy."
(Code 1945, § 59-102.)

Sec. 33-304. Term, expiration and renewal.

The insurance policy provided for in this chapter shall be given, shall continue and shall extend for the period of time covered by the license issued by the city for the operation of the public vehicle for hire or taxicab and shall expire with such license and be renewed upon the issuance of another license. (Code 1945, § 59-102.)

Sec. 33-305. Notice when voided.[4]

Before any policy of insurance required by this chapter is voided for any cause, nonpayment or otherwise, notice thereof shall be given, in writing, to the clerk of the council at least five days before the same shall take effect. (Code 1945, § 59-102.)

Sec. 33-306. Right of action.

The policy of indemnity insurance provided for in this chapter shall be for the benefit of and be subject to suit or action thereon by any person who shall sustain actionable injury or loss protected thereby. Any person sustaining actionable injury either to person or property by the operation of any such public vehicle for hire or taxicab shall have the right to bring any suit or action therefor jointly against the owner or operator of such public vehicle for hire or taxicab and the insurance company executing such liability insurance policy. (Code 1945, § 59-102.)

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4. Where a policy of insurance obtained in accord with the provisions of this chapter is cancelled in accord with the terms of the policy, but notice is not given to the clerk of the council as required by this section, the policy continued in force and effect for the protection of the public, but not for the protection of the insured. Garden City Cab Co. v. Fidelity & Casualty Co., 80 Ga. App. 850, 57 S. E. (2d) 683.

Chapter 33-4. Driver's Permit.

§ 33-401. Required.
§ 33-402. Application.
§ 33-403. Qualifications of applicant.
§ 33-404. Applicant to furnish references.
§ 33-405. Photographs of applicant.
§ 33-406. Examination of applicant and references; issuance or denial.
§ 33-407. To be carried at all times.
§ 33-408. Suspension.
§ 33-409. Revocation.
§ 33-410. Driving after suspension or revocation.

Sec. 33-401. Required.[5]

Before any person shall be entitled to drive any motor vehicle for hire or taxicab for the carriage of passengers in the city, he shall first obtain a permit from the police department. (Code 1945, § 59-101.)

Sec. 33-402. Application.

Any person desiring a permit required by this chapter shall submit an application in writing to the police department, on a form to be furnished by the department. Such application shall be made under oath and shall state the age of the applicant, his address, length of time he has resided in the city, his knowledge of the streets and traffic laws of the city and how obtained, whether he has any physical infirmities, and whether he has been convicted of a violation of any of the laws of the state or of this Code or other ordinances of the city and if so, when and of what offense, and the sentence of the court. (Code 1945, § 59-101.)

Sec. 33-403. Qualifications of applicant.

An applicant for a driver's permit under this chapter must not be less than twenty-one years of age, must have been a resident of the city for six months and must be a sober and an able-bodied person of good character, with no physical infirmities of any kind. (Code 1945, § 59-101.)

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5. For special legislative authority of the mayor and aldermen to require a driver's permit, see § 1-1102.

Sec. 33-404. Applicant to furnish references.

An applicant for a permit under this chapter shall present personally to the police department, at the time he files his application, the names of two reputable citizens of the city who shall, in writing, vouch for the good character of the applicant and as to the truth or correctness of the statements in the application. (Code 1945, § 59-101.)

Sec. 33-405. Photographs of applicant.[6]

Before any permit is granted under this chapter, the applicant shall be required to furnish a photograph of himself in triplicate. One of these photographs shall be pasted on the form supplied by the police department and placed in the vehicle which the applicant is to drive, where the same will be in clear view of the passengers, with his name thereunder, one shall be pasted on his permit and the third shall be filed at police headquarters with his application. (Code 1945, § 59-101.)

Sec. 33-406. Examination of applicant and references; issuance or denial.

It shall be the duty of the chief of police to personally examine the applicant for a permit under this chapter and his vouchers, and thereafter to either grant or refuse the permit. In the event of a refusal to grant a permit, the applicant shall have a right to enter an appeal to the city manager, and the decision of the manager shall be final. (Code 1945, § 59-101.)

Sec. 33-407. To be carried at all times.

The permit issued under the provisions of this chapter must be carried on the person of the permittee at all times when he is driving a motor vehicle for hire or taxicab for the carriage of passengers. (Code 1945, § 59-101.)

Sec. 33-408. Suspension.

After the issuance of a permit under this chapter, the chief of police shall have the right to suspend the same in the event the

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6. As to general authority of police relative to photographs, see § 27-101.

holder thereof is charged with the violation of any provision of this Code or other ordinance of the city or statute of the state or of the United States or for any false statement made in the application for the permit or for conduct which the police department feels is not conducive to the safety and welfare of passengers conveyed by such person. From the decision of the chief of police in suspending a permit, the person possessing such permit shall have the right to appeal to the city manager for a hearing within thirty days thereafter, and the decision of the city manager shall be final.

The chief of police shall file a report of his action in all such matters with the city manager within forty-eight hours, and the city manager shall have the right to review and lift the suspension or to sustain the action of the chief of police. (9-3-54, § 1.)

Sec. 33-409. Revocation.

In the event that any driver possessing a permit under this chapter is convicted in any court for any offense involving the question of his fitness to operate a public vehicle, whether a misdemeanor or felony, the recorder of the police court, upon application by the city manager or the offending party, shall be empowered to permanently revoke the permit or to restore the same after a hearing. The city manager and the holder of such a permit shall have due notice of any hearing to be held in the police court pertaining to the revoking of a permit. (9-3-54, § 1.)

Sec. 33-410. Driving after suspension or revocation.

It shall be unlawful for any person to operate a motor vehicle for hire or taxicab for the carriage of passengers during any period in which his permit so to do is suspended or revoked in accord with the provisions of this chapter. (9-3-54, § 2.)

TITLE 34.

TOURIST CAMPS, ROADHOUSES AND SIMILAR PLACES.

Editor's note.—The provisions of this title are based upon the provisions of chapter 52-3, Georgia Code Annotated. For authority of city to make any or all of the provisions of chapter 52-3 applicable to businesses located within the city, see Ga. Code Ann., § 52-313.

§ 34-101. License—Required.
§ 34-102. Same—Application generally.
§ 34-103. Same—Verification of application; issuance or denial.
§ 34-104. Same—Fee.
§ 34-105. Same—Expiration.
§ 34-106. Same—Revocation.
§ 34-107. Inspection.
§ 34-108. List of employees.
§ 34-109. Registration of guests generally.
§ 34-110. Occupancy of rooms for immoral purpose; false registration as man and wife.
§ 34-111. Enticing females to enter premises for immoral purposes.
§ 34-112. Notice of cessation of business or change in ownership.
§ 34-113. Injunctions.
§ 34-114. Exemptions from title.

Sec. 34-101. License—Required.[7]

Every person engaged in the business of operating a tourist camp, cabin camp, tourist home, roadhouse, public dance hall or any other similar establishment, by whatsoever name called, where travelers, transient guests or other persons are or may be lodged, or engage in operating restaurants, cafes or places where food or drinks are sold to be consumed on the premises shall, before engaging in such business, apply for and obtain from the mayor and aldermen a license for the privilege of engaging in such business. (9-19-52, § 4.)

Sec. 34-102. Same—Application generally.[8]

Every person making application for a license required by this title shall make application to the mayor and aldermen, which application shall contain:

(a) The name and residence of the applicant and the length of his residence within the state.

7. For similar state law, see Ga. Code Ann., § 52-301.
8. For similar state law, see Ga. Code Ann., § 52-303.

(b) The address and place for which such license is desired.

(c) The name of the owner of the premises upon which the business licensed is to be carried on.

(d) A statement that the applicant intends to carry on the business authorized by the license for himself or under his immediate supervision and direction.

(e) A statement that the applicant is of good moral character and has never been convicted of a felony involving moral turpitude, or adjudged guilty of violating either the state or federal prohibition laws within the last two years prior to the filing of the application. (9-19-52, § 4.)

Sec. 34-103. Same—Verification of application; issuance or denial.[9]

The application prescribed in the preceding section must be verified by the affidavit of the applicant made before a notary public or other person duly authorized by law to administer oaths. If it appears from the statement of the applicant, or otherwise, that such applicant has been convicted of a felony involving moral turpitude, or adjudged guilty of violating either state or federal prohibition laws within the last two years prior to the filing of the application, or within two years from the completion of sentence thereon, the license shall not be granted, unless it shall appear to the satisfaction of the mayor and aldermen that the licensed premises will be operated in a lawful manner, in which case they may, in their discretion, issue such license. Before any such license shall be issued, the mayor and aldermen shall be satisfied that the statements required by the preceding section are true. (9-19-52, § 4.)

Sec. 34-104. Same—Fee.

Persons desiring a license under this title shall pay therefor such amount as is prescribed in the annual revenue ordinance. (9-19-52, § 7.)

Editor's note.—The license fee referred to in this section is that required by the annual revenue ordinance. This ordinance is not printed in this Code, but may be found on file in the office of the clerk of the city council.

9. For similar state law, see Ga. Code Ann., § 52-304.

Sec. 34-105. Same—Expiration.[1]

Upon the expiration of the license required by this title, it shall be unlawful for any person to continue such business, until a new license is applied for and obtained for the privilege of engaging in such business, as required in the annual revenue ordinance. (9-19-52, § 4.)

Editor's note.—The annual revenue ordinance is not printed in this Code, but may be found on file in the office of the clerk of the city council.

Sec. 34-106. Same—Revocation.[2]

In addition to the penalties otherwise prescribed for a violation of this title, the court, before whom a person is tried and where a conviction is had, shall have the power to revoke the license to operate the establishment licensed under this title, and whenever any person has been so convicted, the court, if it shall appear that the premises were being operated in violation of the law with the knowledge, consent or approval of the owner therof, shall have the authority to prohibit the issuance of any similar license for such premises to any person for a term of one year after the revocation of the license. (9-19-52, § 4.)

Sec. 34-107. Inspection.[3]

Every establishment mentioned in section 34-101 of this Code shall be subject to inspection by the state board of health and the city health authorities. (9-19-52, § 4.)

Sec. 34-108. List of employees.[4]

At any time, upon request of the chief of police, the operator of every establishment named in section 34-101 of this Code shall furnish the chief of police with a list of all employees who are employed by him in connection with the business. (9-19-52, § 4.)

1. For similar state law, see Ga. Code Ann., § 52-312.
As to building permits generally, see § 9-102.
2. For similar state law, see Ga. Code Ann., § 52-309.
3. For similar state law, see Ga. Code Ann., § 52-305.
4. For similar state law, see Ga. Code Ann., § 52-306.

Sec. 34-109. Registration of guests generally.[5]

Any person occupying any room in a tourist camp, cabin camp, tourist home, roadhouse or any other similar establishment, by whatsoever name called, shall register or cause himself to be registered before occupying the same. If such person is travelling by motor vehicle, he shall register at the same time the automobile license tag of such motor vehicle and the manufacturer's name of such motor vehicle, and no person shall write or cause to be written, or, if in charge of a register, shall knowingly permit to be written in any register in any of the establishments herein named any other or a different name or designation than the true name in ordinary use of the person registering or causing himself to be registered therein, or the true name of the manufacturer of such motor vehicle or the correct license plate and number thereof.

Every person to whom a license is issued under the provisions of this title shall provide a permanent register for the purposes set forth in this section. (9-19-52, § 4.)

Sec. 34-110. Occupancy of rooms for immoral purpose; false registration as man and wife.[6]

Any man or woman found occupying the same room in any establishment licensed under this title for any immoral purpose, or any man or woman falsely registering as or otherwise representing themselves to be husband and wife in any such establishment shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court. Likewise, any person being the operator or keeper of any such establishment who shall knowingly permit any man or woman to occupy any room for any immoral purpose, or who shall knowingly permit any man or woman to falsely register as husband and wife shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court. (9-19-52, § 4.)

Sec. 34-111. Enticing females to enter premises for immoral purposes.[7]

Any person who shall knowingly persuade, induce or entice, or

5. For similar state law, see Ga. Code Ann., § 52-308.
6. For similar state law, see Ga. Code Ann., §§ 52-9907, 52-9908.
As to use of hotels and inns for immoral purposes, see § 24-120.
7. For similar state law, see Ga. Code Ann., § 52-9909.

shall cause to be persuaded, induced or enticed, any woman or girl to enter any establishment licensed under this title for the purpose of prostitution or debauchery, or for any other immoral purpose, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court. (9-19-52, § 4.)

Sec. 34-112. Notice of cessation of business or change in ownership.[8]

In every instance where the operator of any establishment licensed under this title goes out of business or there is a change of ownership or management thereof, such operator shall immediately file with the clerk of the council a notice to this effect, giving the name and address of the purchaser or the new owner or manager thereof. (9-19-52, § 4.)

Sec. 34-113. Injunctions.[9]

Upon application of any officer or citizen of the city, the superior court is hereby authorized to enjoin any licensee under this title from further operating such business upon proof that such licensee has violated the provisions of this title, or upon proof that the licensee has forfeited his license. The superior court and the judges thereof shall likewise have authority to and shall enjoin, at the instance of any taxpayer or citizen, any person from further operating such business without first securing the license provided for in this title. (9-19-52, § 4.)

Sec. 34-114. Exemptions from title.[1]

This title shall not apply to hotels and inns, within the definition of sections 52-101 and 52-102, Georgia Code Annotated, nor to persons who, incidental to their principal business or occupation, accept from time to time seasonal boarders in their private residences. (9-19-52, § 4.)

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8. For similar state law, see Ga. Code Ann., § 52-307.
9. For similar state law, see Ga. Code Ann., § 52-314.
1. For similar state law, see Ga. Code Ann., § 52-302.

TITLE 35.

TRAILER LOTS, CAMPS AND PARKS.

§ 35-101. Permit generally—Required.
§ 35-102. Same—Inspection prerequisite to issuance.
§ 35-103. Same—Not transferable.
§ 35-104. Same—Revocation.
§ 35-105. Permit for enlargements, alterations, etc.—Required.
§ 35-106. Same—Conditions to issuance.
§ 35-107. Approval of location required.
§ 35-108. Camp sites.
§ 35-109. Water supply, drinking vessels, etc.
§ 35-110. Toilets generally.
§ 35-111. Use of trailer toilets; receptacles for refrigerator, etc., drains.
§ 35-112. Slop sinks.
§ 35-113. Disposition of garbage and rubbish.
§ 35-114. Report of communicable diseases.

Sec. 35-101. Permit generally—Required.

Before any person shall allow or operate a trailer lot, trailer camp or trailer park, or use a trailer in the city for habitation, he shall obtain from the director of public improvements, upon approval of the health officer, a permit so to do. (Code 1945, § 58-211; 6-17-49, § 2.)

Sec. 35-102. Same—Inspection prerequisite to issuance.

A permit required by the preceding section shall only be issued after a thorough inspection is made of the premises for which the permit is sought. (Code 1945, § 58-215.)

Sec. 35-103. Same—Not transferable.

The permit required by section 35-101 of this Code shall not be transferable. (Code 1945, § 58-215.)

Sec. 35-104. Same—Revocation.

All permits granted for the operation of a trailer camp, park or lot may, at any time, be revoked by the health officer, subject to the approval of the director of public improvements, for the persistent, repeated or wilful violation of this title. No such permit shall, at any time, be revoked by the health officer, unless he shall have first

given to the holder of the permit three days' notice in writing of his intention to revoke such permit and an opportunity to be heard by the director of public improvements as to why such should not be done. (Code 1945, § 58-214.)

Sec. 35-105. Permit for enlargements, alterations, etc.—Required.

Any person seeking to enlarge, add to, make alterations on or erect additional structures or improvements of any kind on any trailer lot, trailer camp or trailer park anywhere within the corporate limits of the city shall first make application to the director of public improvements for a permit so to do. Such application shall show the location of such trailer lot, camp or park, together with any improvements or structures thereon, and also the additions, enlargements or changes sought to be made, in such detail as may be required by the director. (4-5-54, § 1.)

Sec. 35-106. Same—Conditions to issuance.

The director of public improvements shall not grant a permit required by the preceding section unless he shall be satisfied that, when the work is completed, the nearest portion of any building, structure or other improvement on the property shall not be nearer than forty-five feet to any building or structure on any adjoining or neighboring lot, and that no trailer coach or car shall be parked on the trailer lot, camp or park so that the nearest portion of the coach or car shall be nearer than forty-five feet to any such building or structure on any adjoining or neighboring lot. The director shall also satisfy himself, before granting such permit, that the proposed work shall, in all respects, comply with this title. (4-5-54, § 1.)

Sec. 35-107. Approval of location required.

It shall be unlawful for any person to use any trailer as a place of habitation or to operate a trailer camp within the corporate limits of the city, except in such area or areas as may be designated by the council from time to time. (6-17-49, § 1.)

Sec. 35-108. Camp sites.

Each site at a trailer lot, camp or park which is reserved for a

trailer coach and car shall be not less than twenty feet by thirty-five feet, or the equivalent of not less than seven hundred square feet, and shall be clearly defined by suitable markers at each corner. The side shall be level, free from rocks and weeds and well drained. No trailer coach shall be placed on any site where there is less than ten feet between the trailer and a building or another trailer, or less than five feet from the property line separating the adjoining property, or less than twenty-five feet from a highway or street, all measurements from these to be from the nearest point to the nearest point of such trailer or vehicle. No greater number of trailer parties shall be allowed than there are camp sites available therefor. (Code 1945, § 58-212.)

Sec. 35-109. Water supply,[2] drinking vessels, etc.

The water supply at trailer lots, camps and parks shall be obtainable from faucets only, which shall be provided within one hundred feet of any part of the trailer camp sites. No dipping of receptacles shall be permitted. No drinking vessels shall be exposed to promiscuous use. (Code 1945, § 58-212.)

Sec. 35-110. Toilets generally.[3]

At all trailer lots, camps or parks, flush toilets shall be provided in separate compartments for each sex, within a distance of two hundred feet from any part of the trailer camp site; one toilet for each sex accommodated. Toilets shall be distinctly marked "MEN" and "WOMEN" and their location plainly indicated by directional signs. Pit privies for camps accommodating trailer patronage are prohibited. (Code 1945, § 58-212.)

Sec. 35-111. Use of trailer toilets; receptacles for refrigerator, etc., drains.

No person shall use or shall be permitted to use any toilet, whether chemical or otherwise, installed in any trailer coach, while the latter is parked in any trailer camp nor shall any sink waste be discharged upon the ground therein. Buckets or other suitable receptacles shall be placed in such manner as to receive all liquids

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2. For special legislative provisions relative to water, see ch. 1-25. For ordinance provisions relative to water generally, see Tit. 37.
3. As to plumbing generally, see Tit. 26.

which may be discharged through any refrigerator drain or sink pipe while the trailer coach is parked, and such buckets or receptacles shall not be permitted to overflow. (Code 1945, § 58-212.)

Sec. 35-112. Slop sinks.

In every trailer camp or park there shall be provided one or more flushing slop sinks properly trapped and connected with a sewer septic tank. Such sinks shall be conveniently located at no greater distance than one hundred feet from any trailer camp site. For the protection of the water supply, the slop sinks shall have the water faucets, inclusive of any rubber hose connection that may be attached thereto, placed sufficiently high so that under no circumstances shall the point of delivery be beneath the level of any liquid in the sink or container washed therein. If the flush is operated by a valve of the "flushometer" type, all liquid wastes from trailer coach sinks and toilets shall be deposited. An ample supply of hot water shall be provided for the efficient cleansing of such receptacles, and it shall be the duty of the caretaker to see that such cleansing is effected and that no unnecessary sloppage upon the sides of fixtures or on the flooring occurs. The latter shall be of some impervious material, cement, and must be kept scrupulously clean, with frequent application of a disinfectant solution. The windows and ventilators of the housing for such slop sinks shall be screened, and a self-closing screen or other door provided. (Code 1945, § 58-212.)

Sec. 35-113. Disposition of garbage and rubbish.[4]

At every trailer lot, camp or park, one or more metal garbage cans with tightfitting covers, appropriately labeled, shall be provided and conveniently placed for every six trailer camp sites, or fractional part thereof. All garbage, waste and rubbish of any kind shall be either burned, buried or removed from the premises in such a manner as not to create a nuisance and as may be approved by the director of public improvements. Incinerators shall be provided for burning combustible rubbish. (Code 1945, § 58-212.)

4. As to garbage and trash generally, see Tit. 17.

Sec. 35-114. Report of communicable diseases.[5]

All trailer camp owners, managers or other agents must report immediately to the health officer all known or suspected cases of communicable diseases. (Code 1945, § 58-213.)

TITLE 36.

TRANSIENT TRADERS.

Chap.
36-1. In General, §§ 36-101, 36-102.
36-2. License, §§ 36-201 to 36-208.

Chapter 36-1. In General.

§ 36-101. Defined.
§ 36-102. Exemptions from title.

Sec. 36-101. Defined.

The term "transient traders", for the purposes of this title, shall be construed to mean and include all persons who, either by themselves or by their agents, engage in a temporary or transient business in the city or in travelling from place to place therein selling goods, wares and merchandise and, for the purpose of carrying on such business, hire, lease or occupy any building or structure for the exhibition or sale of such goods, wares and merchandise. No such transient trader shall be exempt from the provisions of this title by reason of associating himself temporarily with any local dealer, trader or auctioneer, or by continuing such temporary or transient business in connection with or as a part of the business of, or in the name of, any local dealer, trader or auctioneer; provided, however, if such transient trader shall have carried on such business for two previous seasons and shall continue to carry on and conduct such business until such time as he shall be assessed upon the regular tax rolls of the city for such goods, wares and merchandise

5. For special legislative provisions relative to public health and sanitation, see ch. 1-17.
For ordinance provisions as to public health and sanitation generally, see Tit. 29.

and shall pay the regular city tax thereon, he shall no longer be deemed a transient trader and subject to the provisions of this title. (12-30-53, § 1.)

Sec. 36-102. Exemptions from title.

This title shall not apply to sales made to dealers by commercial travellers or selling agents in the usual course of business or to the bona fide sales of goods, wares and merchandise by sample and future deliveries, or to hawkers on the streets, or to peddlers from vehicles, or to sheriffs, constables or public officers of the state or city selling goods, wares and merchandise according to law, or to bona fide assignees for the benefit of creditors residing within this state, or to receivers appointed in this state selling goods, wares and merchandise in this state. (12-30-53, § 1.)

Chapter 36-2. License.

§ 36-201. Required.
§ 36-202. Application generally.
§ 36-203. Application in cases of special sales.
§ 36-204. False statements in application, etc.
§ 36-205. Fee.
§ 36-206. Signing and sealing.
§ 36-207. Effect.
§ 36-208. Record to be kept.

Sec. 36-201. Required.

Every transient trader shall, before engaging in business in the city, procure from the city council a transient trader's license. (12-30-53, § 2.)

Sec. 36-202. Application generally.

Every person desiring a license required by the preceding section shall file with the city marshal an application therefor, under oath, disclosing the names and residences of the owners or parties in whose interest the business is to be conducted, and setting forth the nature and place of business intended to be engaged in by such applicant. (12-30-53, § 2.)

Sec. 36-203. Application in cases of special sales.

No transient trader shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver, wholesaler, manufacturer or closing-out sale, or as a sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form, unless he states under oath to the city marshal, either in the original application for a license under this title, or in a similar application subsequently filed, all the facts relating to the reasons and character of such special sale so advertised or represented, including a statement of the names of the persons from whom the goods, wares and merchandise were obtained, the date of delivery to the persons applying for the license and the place from which such goods, wares and merchandise were last taken, and all details necessary to effectually locate and fully identify all goods, wares and merchandise to be so sold. (12-30-53, § 5.)

Sec. 36-204. False statements in application, etc.

Any false statement in an application, either original or supplementary, for a transient trader's license and any failure on the part of any licensee to comply with all the requirements of the preceding section, shall subject the transient trader to the same penalty as if he had no license. (12-30-53, § 6.)

Sec. 36-205. Fee.

Every person desiring a transient trader's license shall pay to the city marshal a fee therefor in the amount of three hundred fifty dollars. (12-30-53, § 2.)

Sec. 36-206. Signing and sealing.

A transient trader's license, when issued, shall be signed by the city marshal. (12-30-53, § 2.)

Sec. 36-207. Effect.

Each license granted under the terms of this chapter shall give authority to not more than one person to carry on business for the transient trader thereunder and shall authorize the holder thereof to do business in the city for the term of six months from the date thereof. (12-30-53, § 3.)

Sec. 36-208. Record to be kept.

The city marshal shall keep a record of each transient trader's license issued, showing the name of the person, to whom issued, the day of expiration thereof and the amount paid to him therefor. (12-30-53, § 4.)

TITLE 37.

WATER, SEWERS AND SEWAGE DISPOSAL.[6]

Chap.
37-1. In General, §§ 37-101 to 37-106.
37-2. Water Generally, §§ 37-201 to 37-237.
37-3. Water for Fire Protection Service, §§ 37-301 to 37-309.
37-4. Wells, §§ 37-401 to 37-408.
37-5. Sewerage Service Beyond City Limits, §§ 37-501 to 37-508.

Chapter 37-1. In General.

§ 37-101. Disposition of funds derived from water and sewerage systems.
§ 37-102. Long-range development of sewerage system.
§ 37-103. Construction, repair, etc., of sewerage system.
§ 37-104. Ponds and basins prohibited.
§ 37-105. Waste not to be emptied into privy vaults.
§ 37-106. Obstructing water closets, etc.

Sec. 37-101. Disposition of funds derived from water and sewerage systems.

Revenues derived from the water and sewerage systems shall be deposited in a separate fund by the treasurer and separate

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6. For special legislative provisions as to sewerage charges, see ch. 1-10. For provisions relative to sewers generally, see ch. 1-21. For provisions relative to water, see ch. 1-25.

For ordinance provisions as to prohibition against emptying gasoline, benzene, etc., into sewers, see § 14-111. As to requirement that certain establishments be equipped with gas and oil traps, see § 14-112. As to obstructing the mouth of any sewer in the Savannah Harbor, see § 18-121. As to plumbing, see Tit. 26. As to collection of water in which mosquitoes breed, see §§ 29-109 to 29-112. As to laying water and sewer mains in subdivisions, see 31-108. As to water supply at trailer lots, camps and parks, see § 35-109.

accounts pertaining to such funds shall be maintained. Such fund shall be disbursed as provided by law. (9-19-47, § 2.)

Sec. 37-102. Long-range development of sewerage system.

The city manager shall have control over the long-range planning of the development of the sewerage system of the city. (9-19-47, § 1.)

Sec. 37-103. Construction, repair, etc., of sewerage system.

The director of public improvements shall be charged with the duty of current maintenance and repair to the sewerage system of the city and all repairs to sewers and the construction of new sewers of any kind shall be approved by the director, as to the engineering features connected therewith, and the work done on the same shall be under his supervision and direction. (Code 1945, § 11-104; 9-19-47, § 1.)

Sec. 37-104. Ponds and basins prohibited.

It shall be unlawful for any person to excavate or create within the jurisdictional limits of the city any pond or basin for any purpose whatsoever. (Code 1945, § 31-188.)

Sec. 37-105. Waste not to be emptied into privy vaults.[7]

It shall be unlawful for any person to connect the waste water pipes from any part of his premises with any privy vault or to empty any waste or slops of any kind from his premises into any privy vault within the city. (Code 1945, § 31-316.)

Sec. 37-106. Obstructing water closets, etc.

Any occupant of a dwelling in the city who shall designedly or through negligence stop up or obstruct a water closet, or its sewer connection on the premises, and shall refuse or neglect to remove the obstruction and repair the damage incident thereto, shall be subject to the penalty as provided in section 2-105 of this Code. (Code 1945, § 31-320.)

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7. As to garbage and trash generally, see Tit. 17.

Chapter 37-2. Water Generally.

§ 37-201. Application for service generally.
§ 37-202. Report of applications for service.
§ 37-203. Laying pipe and making connections generally.
§ 37-204. Turning on or shutting off water generally.
§ 37-205. Deposit before service turned on—Required; exceptions.
§ 37-206. Same—Receipt.
§ 37-207. Same—To bear no interest; to be kept in separate account; permitted use.
§ 37-208. Same—Investment.
§ 37-209. Same—Refund.
§ 37-210. Effect of turning on service.
§ 37-211. Installation of meters generally.
§ 37-212. Department defined.
§ 37-213. Meters for shopping centers, stores and commercial establishments.
§ 37-214. Flats and tenement houses defined.
§ 37-215. Meter size for apartments and office buildings.
§ 37-216. Installation of meters by private persons.
§ 37-217. Location of meters.
§ 37-218. Meters to be tested.
§ 37-219. Accuracy of meters.
§ 37-220. Expense of maintaining and repairing meters.
§ 37-221. Meter rates.
§ 37-222. Charges when meter fails to register.
§ 37-223. Procedure when meter is inaccessible.
§ 37-224. Control of, interference with, etc., meters, curb cocks, etc.
§ 37-225. Shutting off service for failure to pay bill; fee for cutting water back on.
§ 37-226. Permit for alterations, etc., after service started.
§ 37-227. Right to enter premises supplied with water.
§ 37-228. Identification of inspectors, meter readers, etc.
§ 37-229. Interfering with or damaging pipes, mains, etc.
§ 37-230. Charge when service cut off for fault of user.
§ 37-231. Pollution.
§ 37-232. Cross connections generally.
§ 37-233. Registration of connections with reservoirs, tanks, etc.
§ 37-234. Registration of connections with private mains.
§ 37-235. Expenses of industrial and domestic water supply commission.
§ 37-236. Payment of charges for use of facilities of industrial and domestic water supply system.
§ 37-237. Waiver of right to issue execution for water rent.

Sec. 37-201. Application for service generally.

Application for water service and for the installation of a water meter shall be made by a licensed master plumber to the director of finance. Such application shall be accompanied by a fee covering the cost of the water service installation to the curb line and the installation of the meter. Such application shall be made in writing upon blank forms furnished by the director of finance, giving the location and number of the lot to be supplied and setting forth all purposes for which the water is to be used. Such application shall be signed also by the owner of the property, or his duly authorized agent, with the distinct understanding that the property is to be held liable for all water charges accrued or which shall accrue against it. (Code 1945, §§ 62-150, 62-203.)

Sec. 37-202. Report of applications for service.

The director of finance shall furnish to the department of public improvements a daily report of the names and addresses of the points for which applications have been made for water service, so that the department of public improvements may be fully advised of requested water connections or changes. (12-22-47, § 6.)

Sec. 37-203. Laying pipe and making connections generally.[8]

No original water pipe shall be laid and no connection shall be made to any pipe or conduit so laid, until application for the same has first been filed with the director of public improvements and his approval received. No person shall be permitted or authorized at any time to lay any water pipe or make any connection to any pipe already laid or in existence, except by and through the director of public improvements, or a regularly constituted agent or employee of the director. (Code 1945, §§ 62-104, 62-105.)

Sec. 37-204. Turning on or shutting off water generally.

No person shall be allowed to turn on or shut off the water in any of the pipes or mains of the city without a permit or proper authority from the department of public improvements, except licensed plumbers, and then only to test their work.

The supply of water may be withheld from all premises when the ordinances, rules or regulations adopted by the city council

8. As to plumbing generally, see Tit. 26.

have, in any manner, been violated, and the city and the department of public improvements reserve the right at any time, without notice, to shut off the water in its mains for the purposes of making repairs or extensions or for other necessary purposes. (Code 1945, §§ 62-131, 62-171.)

Sec. 37-205. Deposit before service turned on — Required; exceptions.

On completion of the installation of each water meter and as a condition precedent to the turning on of water on the premises so metered, the user shall deposit with the director of finance a sum according to the size of the meter installed, as follows:

For each	¾	inch meter	$ 6.00
For each	1	inch meter	12.00
For each	1½	inch meter	18.00
For each	2	inch meter	24.00
For each	3	inch meter	30.00
For each	4	inch meter	36.00
For each	6	inch meter	42.00
For each	8	inch meter	48.00
For each	10	inch meter	54.00

Provided, however, that free users of water shall not be required to make a deposit nor shall such deposit be required for premises occupied by the owner thereof. (Code 1945, § 62-144; 8-21-53, §§ 1, 2.)

Sec. 37-206. Same—Receipt.

The director of finance shall issue his receipt for a deposit made under the preceding section to the user on payment of the same and shall keep a duplicate receipt. (5-25-56, § 1.)

Sec. 37-207. Same—To bear no interest; to be kept in separate account; permitted use.

Deposits made under section 37-205 of this Code shall bear no interest and shall be kept by the director of finance in a banking account separate from other funds, and shall be used by the mayor and aldermen only for the purpose of applying such deposit to unpaid and past due water rents of the user. (5-25-56, § 1.)

Sec. 37-208. Same—Investment.

If and when the accumulation of deposits made under section

37-205 of this Code amounts to a sum which, in the judgment of the city manager and the director of finance should be invested in interest-bearing securities, then and in that event such fund or so much thereof as the city manager and the director of finance may see fit to set aside for that purpose shall be invested by them, with the approval of the mayor, in such securities as may be legal investments for trust funds under the laws of Georgia and as may be selected by the city manager and the director of finance, with the approval of the mayor for such investment. The interest derived from such investments, as well as the interest earned on any banking account containing such funds, shall constitute a reserve fund to be used only for replacements and repairs to water meters installed by the director of finance. (5-25-56, § 1.)

Sec. 37-209. Same—Refund.

In the event a user discontinues the use of water furnished by the city and he owes no unpaid water bill to the city, the deposit made under section 37-205 of this Code shall be refunded to him without interest. (5-25-56, § 1.)

Sec. 37-210. Effect of turning on service.

The turning on of water service at any premises shall mean that compliance with the rules and regulations of the department of public improvements has been agreed to by the applicant for service. (Code 1945, § 62-150.)

Sec. 37-211. Installation of meters generally.

The department of public improvements, upon order of the director of finance, shall install water meters on the premises or property occupied by all users of water furnished by the city, including free users and users, both within and without the corporate limits of the city. All users of water shall pay the entire expense of such installation in advance.

In all apartments or buildings converted into apartments, where more than one family occupies the same building, there shall be a separate meter installed by the department of public improvements to furnish service to each single-family dwelling unit. This shall include garage apartments, but shall not include flats, tenements or group houses or apartments containing more than four single-family dwelling units per floor and equipped for elevator service. (Code 1945, § 62-143.)

Sec. 37-212. Apartment defined.

An apartment is defined as any house or building containing more than one single-family-dwelling unit where each such unit is equipped with separate and private bath and toilet facilities.

Sec. 37-213. Meters for shopping centers, stores and commercial establishments.

In all shopping centers, stores and commercial establishments occupied by more than one tenant there shall be a separate meter installed by the department of public improvements to furnish service to each tenant.

Sec. 37-214. Flats and tenement houses defined.

Flats and tenement houses are defined as buildings containing more than one single-family-dwelling unit when the units do not have separate and private bath and toilet facilities.

Whenever a building of one single-family-dwelling unit is converted into two or more such units, all of such units which have separate and private bath and toilet facilities shall be classified as apartments, and those units which do not have such separate and private bath and toilet facilities shall be classified as flats.

Sec. 37-215. Meter size for apartments and office buildings.

The following size service and meters shall be required for apartments and office buildings equipped for elevator service:

MINIMUM SCHEDULE.

Building Occupancy		*Pipe & Meter Sizes**	
No. Apts.	*Offices*	*Service*	*Meter*
0-16	0-24	1½	1½
16-26	24-40	2	1½
26-40	40-60	2½	2
40-60	60-90	3	2½
60-90	90-135	4	3
90-150	135-200	5	4
150-265	200-400	6	6

*Services from meter to building shall be one standard pipe size larger than meter size.

Sec. 37-216. Installation of meters by private persons.

Whenever any water meter is installed by private persons, the meter and the meter box shall be approved by the director of public improvements. In case any meter or meter box is used, placed or furnished and not approved as required herein, the mayor and aldermen shall have the right to remove such meter and meter box and proceed to put in a meter and meter box supplied by the city. (Code 1945, §§ 62-155, 62-156.)

Sec. 37-217. Location of meters.

Water meters shall be set firmly, substantially and in a workmanlike manner in a convenient, accessible location for reading and examining. Generally, they shall be set at the curb line. When meters are set in basements or cellars, they shall be placed close to the wall, where the inlet pipe enters between the meter and the entrance pipe through the wall. (Code 1945, § 62-158.)

Sec. 37-218. Meters to be tested.

No water meter shall be installed, unless it has first been tested and found to be in an accurate working condition. (Code 1945, § 62-159.)

Sec. 37-219. Accuracy of meters.

All new water meters must register within the following percentage of the actual water passed through them, with a full flow or with a one-eighth inch opening:

	Per cent
5/8 inch, 3/4 inch and 1 inch meters	1½
1 1/2 inch and 2 inch meters	2
3 inch meters	3
4 inch meters	4
6 inch meters	5

Upon examination and test of meters after they have been in service a reasonable time, meters must register within the following percentage of the actual amount of water passed through them, either with a full flow or a one-eighth inch opening:

	Per cent
5/8 inch, 3/4 inch and 1 inch meters	3½
1 1/2 inch and 2 inch meters	4
3 inch meters	5
4 inch meters	6
6 inch meters	7

(Code 1945, §§ 62-159, 62-160.)

Sec. 37-220. Expense of maintaining and repairing meters.

The cost of maintenance of water meters will be borne by the city, except that repairs will be made at the expense of the person who receives the supply through the meter when the damage is due to hot water backing into the meter or carelessness or accident on the part of consumers, tenants or employees of consumers. The cost of such repairs will be billed the consumer and must be paid for within thirty days after the bill is presented, or the city may cut off the supply of water and water will not be turned on again until the charges are paid to the city. (Code 1945, § 62-161.)

Sec. 37-221. Meter rates.

The following shall constitute the meter rates for water furnished by the city:

PROPERTY WITHIN CITY

Minimum $1.50 per mo. 500 cu. ft. or less on ⅝" meter
Minimum 500 to 1,000 cu. ft. $2.00 per mo.
Next 9,000 cu. ft. $2.25 per mo.
Next 10,000 cu. ft. 2.00 per mo.
Next 10,000 cu. ft. 1.80 per mo.
Next 70,000 cu. ft. 1.65 per mo.
Over 100,000 cu. ft. 1.50 per mo.

PROPERTY OUTSIDE CITY

700 cu. ft. or less $2.50 per mo. minimum
Next 1300 cu. ft. ..... $.38 per 100 cu. ft.
Next 600 cu. ft. ..... .35 per 100 cu. ft.

Next 800 cu. ft. ..... .31 per 100 cu. ft.
Next 800 cu. ft. ..... .27 per 100 cu. ft.
Next 500 cu. ft. ..... .26 per 100 cu. ft.
Next 700 cu. ft. ..... .25 per 100 cu. ft.
Next 1300 cu. ft. ..... .24 per 100 cu. ft.
Next 1300 cu. ft. ..... .23 per 100 cu. ft.
Next 1300 cu. ft. ..... .22 per 100 cu. ft.
Next 1300 cu. ft. ..... .21 per 100 cu. ft.
Next 1400 cu. ft. ..... .20 per 100 cu. ft.
Next 1300 cu. ft. ..... .19 per 100 cu. ft.
Over 13,300 cu. ft. ..... .18 per 100 cu. ft.

(8-20-54, § 2; 2-18-55, § 1.)

Sec. 37-222. Charges when meter fails to register.

If a water meter should get out of order or fail to register, the consumer shall be charged at the average daily consumption as shown by the meter when in order. (Code 1945, § 62-134.)

Sec. 37-223. Procedure when meter is inaccessible.

If a meter reader is unable to procure a reading of a meter after two calls, due to the building being locked or vacant or the occupant not permitting entrance, or entrance to the premises is made precarious by a vicious dog or otherwise, or ingress to the meter is obstructed in any manner whatsoever, whether in the building or a vault, the water may be shut off by the city and an estimated charge made for the amount of water consumed. In case water is shut off for any of such reasons, it will not be turned on again until free access to the meter is provided and payment of arrearages is made. (Code 1945, § 62-135.)

Sec. 37-224. Control of, interference with, etc., meters, curb cocks, etc.

All meters, curb cocks, valves and meter boxes connected with the city water mains and service pipes, including those furnished at the expense of consumers or property owners, shall remain under the direct control of the department of public improvements and it shall be unlawful for persons other than those authorized by the director of such department to connect, disconnect or tamper with any such meter, or to turn off the water at the curb cock, valve or meter, or to open, move or tamper with any meter box.

It shall be unlawful for any person to interfere or in any way intermeddle with any of the wells, reservoirs, conduits, basins or with the water in the same, or to make or knowingly permit any connection or tapping on his premises, except as authorized by this Code. (Code 1945, § 62-162.)

Sec. 37-225. Shutting off service for failure to pay bill; fee for cutting water back on.[9]

At the expiration of thirty days from the rendition of bills by the director of finance for water furnished by the city, if the same remain unpaid, the director of finance shall cut off the water supply to the premises where the user has failed to pay, and shall not let on the water for the use of such premises until the unpaid bill is satisfied. In such event, the director of finance shall credit the water and sewer account with as much of the deposit the user made, as required by this chapter, as will satisfy the unpaid bill. If the deposit is partially or totally exhausted by such action, the user shall be required to make another deposit in an amount sufficient to equal the original deposit, and shall be required to pay such other charges as are provided for by this chapter for the letting on of water, before the director of finance shall re-establish water service to the premises. There shall be charged a two dollar service charge for cutting water back on after it has been cut off for nonpayment of a water bill. (10-21-49; 12-21-56.)

Sec. 37-226. Permit for alterations, etc., after service started.

No consumer, after the water has been introduced into his building or premises, shall make or employ any person to make any connections, extensions or alterations of any attachments to the pipes or fixtures, without a permit from the director of public improvements, which permit shall specify the alterations or additional uses to be made. (Code 1945, § 62-151.)

Sec. 37-227. Right to enter premises supplied with water.

Inspectors, meter readers or other employees or any person authorized by the city shall have free access at all reasonable hours

9. For special legislative authority to shut off water service upon the consumer's failure to pay charges for garbage collection and sanitary sewerage services, see § 1-1005.

to all parts of any building supplied with city water for the purpose of inspecting meters, examining water fixtures and observing the manner in which water is used.

In case any authorized inspector, meter reader or employee is refused admittance to any premises or, being allowed, shall be hindered or prevented from any such examination or the removal of any meter, the city may turn off the water from the premises after giving twenty-four hours' notice to the owner or occupant of the premises. In addition, the person obstructing such inspector shall be punished as provided in section 2-105 of this Code. (Code 1945, § 62-165.)

Sec. 37-228. Identification of inspectors, meter readers, etc.

Inspectors, meter readers and other employees of the city, whose duty it may be to enter upon private premises in examination of meters, pipes and fixtures in connection with the city's water supply, will be provided with such badges or other credentials as the city manager may deem necessary to identify them as agents of the city. (Code 1945, § 62-165.)

Sec. 37-229. Interfering with or damaging pipes, mains, etc.[1]

Any person interfering with or causing damage to pipes, mains or other appurtenances of the city water system shall be punished as provided in section 2-105 of this Code. (Code 1945, § 62-167.)

Sec. 37-230. Charge when service cut off for fault of user.

Whenever water service to any premises has been cut off by the city for the failure of the user to pay for the same, as required by this chapter, or for any other reason attributable to the negligence or fault of the user, such service shall not be re-established until the user has paid to the director of finance a service charge of two dollars. (12-21-56, § 2.)

1. As to injury to public property generally, see § 24-133.

Sec. 37-231. Pollution.

It shall be unlawful for any person to wilfully pollute the water in the city reservoirs or pipes. (Code 1945, § 62-127.)

Sec. 37-232. Cross connections generally.

A cross connection between the public water supply of the city and any other water supply is a physical arrangement, whereby the city water supply is connected with another water supply system, either public or private, in such manner that the connections between the two systems are continuous and interrupted only by check valves.

From and after the effective date of this Code, it shall be unlawful for any person to make any cross connection between the public water supply and any other water supply. (Code 1945, § 62-176.)

Sec. 37-233. Registration of connections with reservoirs, tanks, etc.

Any person having a connection or supply pipe from the Savannah River or other supply to any tank, basin, reservoir, boiler, vat or sprinkler fire system, which also connects with the city's water mains and which was in existence on the effective date of this Code, shall register with the director of public improvements the location of such connection. (Code 1945, § 62-174.)

Sec. 37-234. Registration of connections with private mains.

Any person having a connection from the city's water main to his private main into which there is a connection from the Savannah River or other supply, and which existed on the effective date of this Code, shall register with the director of public improvements the location of such connection. (Code 1945, § 62-175.)

Sec. 37-235. Expenses of industrial and domestic water supply commission.

All expenses of the industrial and domestic water supply commission, except those which the commission is specifically required to fix under the provisions of an Act of the General Assembly of

Georgia of 1949 creating the commission,[3] shall be fixed by the mayor and aldermen and shall be paid in the same manner as other expenses of the city. The mayor and aldermen shall have full and complete authority to approve or disapprove any expenses not fixed in such Act. (2-25-49, § 2.)

Sec. 37-236. Payment of charges for use of facilities of industrial and domestic water supply system.

All moneys payable as rentals or other charges for the use of water or other facilities of the industrial and domestic water supply system of the city shall be payable by the person responsible for the same to the city treasurer as and when the same shall be due and payable. (2-25-49, § 1.)

Sec. 37-237. Waiver of right to issue execution for water rent.

The mayor and aldermen hereby waive and renounce the right given under section 1-2508 of this Code to enforce the collection of water rents by the issuance of an execution against the property of the owner, in all cases where a sufficient deposit has been made in accord with section 37-205 of this Code; provided, however, that this section shall apply only to property located within the corporate limits of the city and any waiver with respect to property located outside the city limits shall not be effective. (Code 1945, § 62-145; 8-21-53, § 2.)

3. See §§ 1-2509 to 1-2518.

Chapter 37-3. Water for Fire Protection Service.[4]

§ 37-301. Application for service and authorization of installation of facilities.
§ 37-302. Expenses of connections, repairs, etc.; who may make connections.
§ 37-303. Installation report.
§ 37-304. Inspection of service.
§ 37-305. Drain valves to be closed and sealed.
§ 37-306. Testing of apparatus.
§ 37-307. Notice when seal broken.
§ 37-308. Sprinkler systems exempt from charges, etc.
§ 37-309. Abuse of privileges.

Sec. 37-301. Application for service and authorization of installation of facilities.

When there is a need for water for the protection of private premises from fire, in addition to the usual service furnished by the city, application therefor shall be made to the city manager, who shall authorize the installation of necessary facilities, if the plans and specifications therefor meet the approval of the National Board of Fire Underwriters.

Sec. 37-302. Expenses of connections, repairs, etc.; who may make connections.

The expense of tapping the mains, making connections, testing completed work, placing valves, meters or any other protective devices that the director of public improvements may deem necessary and all cost of material and labor used in making or repairing fire service governed by this chapter at any time must in all cases be borne by the owner of the property. The city will not be responsible for any defective casting which might develop after installation and the cost of replacing the same must be paid by the property owner. All connections from the city mains to the property line must be made by the authorized employees of the department of public improvements. (Code 1945, § 62-163.)

Sec. 37-303. Installation report.

Water will not be turned into any fire service until the party

4. As to fire protection generally, see Tit. 14.

making the installation has filed and signed the blank installation report furnished by the department of public improvements. (Code 1945, § 62-163.)

Sec. 37-304. Inspection of service.

All connections to fire services governed by this chapter must be inspected and approved by the department of public improvements, before water is turned into such services. In addition, all fire services made under the provisions of this chapter shall be inspected by the department of public improvements from time to time as it deems necessary for good service and for the purpose of seeing that the provisions of this chapter are complied with. (Code 1945, § 62-163.)

Sec. 37-305. Drain valves to be closed and sealed.

All drain valves on any facilities installed under this chapter shall be closed and sealed. (Code 1945, § 62-163.)

Sec. 37-306. Testing of apparatus.

Parties having water connections used for fire protection can test their fire apparatus at any time, if notice is given to the department of public improvements that such test is desired and the department approves the test.

All tests must be made by or in the presence of a proper employee of the department of public improvements. (Code 1945, § 62-163.)

Sec. 37-307. Notice when seal broken.

When the seal on any facility installed under this chapter is broken, the occupant of the property whereon the facility is located shall immediately notify the department of public improvements. (Code 1945, § 62-163.)

Sec. 37-308. Sprinkler systems exempt from charges, etc.

All sprinkler systems used solely for the purpose of fire prevention and protection shall be exempt from water charges and shall not be metered. Also, a deduction may be made for metered water used to put out or prevent the spread of fire; provided, however, that such use of water is immediately reported to the director

of public improvements, in writing; otherwise, the same shall be paid for according to the regular meter rates. (Code 1945, § 62-146, 62-149.)

Sec. 37-309. Abuse of privileges.

It shall be unlawful for any person to abuse the privilege of using facilities installed under this chapter.

Chapter 37-4. Wells.

§ 37-401. Permit to drill—Required.
§ 37-402. Same—Application.
§ 37-403. Use of surface wells.
§ 37-404. Inspection of drilling operations.
§ 37-405. Casing when diameter exceeds ten inches.
§ 37-406. Casing of eight inch and smaller wells.
§ 37-407. Testing of water and condemnation.
§ 37-408. Abandonment.

Sec. 37-401. Permit to drill—Required.

It shall be unlawful for any person to drill any water well within the corporate limits of the city, without first obtaining a permit so to do from the city manager. (Code 1945, § 62-183.)

Sec. 37-402. Same—Application.

Any person desiring a permit required by the preceding section shall file a written application therefor with the director of public improvements, who shall make his recommendations thereon to the city manager. Such application shall state the proposed location of the well, its size and depth and the depth of the casing. (Code 1945, § 62-183.)

Sec. 37-403. Use of surface wells.

It shall be unlawful for any person within the city to use a surface well in any case where the city water mains are accessible, and surface wells, except where city water mains are inaccessible, are hereby abolished; provided, however, that it shall be within the discretion of the mayor and aldermen, in council assembled, upon petition, to permit the use of a surface well in

any case which presents, in the judgment of the mayor and aldermen, by its special facts and circumstances, a proper case for an exception to the policy manifested by this section. (Code 1945, §§ 62-172, 62-173.)

Sec. 37-404. Inspection of drilling operations.

The director of public improvements shall have the right to inspect or to have inspected all operations of the drilling of wells within the city limits. (Code 1945, § 62-183.)

Sec. 37-405. Casing when diameter exceeds ten inches.

All wells drilled above ten inches in diameter shall be double cased to at least a two-inch opening between the outer and inner casing and lined with a good grade of cement between the casings to a depth of one hundred twenty-five feet. The inner casing shall be set at not less than two hundred twenty feet in what is known as limestone bed rock. (Code 1945, § 62-183.)

Sec. 37-406. Casing of eight inch and smaller wells.

Eight-inch and smaller wells, when drilled, shall be cased off to not less than two hundred twenty feet and properly set in limestone bed rock. (Code 1945, § 62-183.)

Sec. 37-407. Testing of water and condemnation.

At least once each year, the health officer shall test the water from each well within the city limits and, if the same is found impure or contaminated, the well shall be condemned and the water therefrom shall not be used again until the well has been put in good condition and approved by the health officer. If, at the expiration of thirty days, the well has not been put in good condition, the director of public improvements shall plug the well for the purpose of preventing contamination of the aquifer. (Code 1945, § 62-183.)

Sec. 37-408. Abandonment.

Should any well within the city limits be abandoned at any time, the owner or party maintaining the same shall, within ten days after abandonment, notify in writing the director of public improvements and he shall immediately plug the same so as to prevent the contamination of the aquifer. (Code 1945, § 62-183.)

Chapter 37-5. Sewerage Service Beyond City Limits.[5]

§ 37-501. Permit generally.
§ 37-502. Permit fee generally.
§ 37-503. Certain statements required of property owner.
§ 37-504. Agreement as to payment of permit fee.
§ 37-505. Bond or deposit required of property owner.
§ 37-506. Consideration of proposals from more than one subdivision.
§ 37-507. Service charge.
§ 37-508. Title to equipment used in making connection passes to city where property annexed.

Sec. 37-501. Permit generally.

No person owning real property lying outside the corporate limits of the city shall connect such property or any improvement thereon with any sanitary sewer line owned or operated by the city, without first securing a permit so to do from the director of public improvements. An application for such a permit shall be on such form as is prescribed by the director and shall furnish such information, plans and specifications as the director shall deem satisfactory.

Any person engaged in the plumbing business in the city who shall connect or attempt to connect any property or improvements with the sewer lines without first obtaining the permit required by this section, or ascertaining that a permit has actually been issued to the owner of the property, and without paying the fee provided for in the following section, upon the conviction thereof in the police court, shall be punished as provided in section 2-105 of this Code, and, in addition, in the discretion of the mayor and aldermen, shall be subject to revocation or suspension of his license to do plumbing work in the city. (5-14-51, § 1; 10-3-52, §§ 1, 2; 4-30-54, § 1.)

Sec. 37-502. Permit fee generally.

Any person desiring a permit required by the preceding section shall pay to the city treasurer a fee of one hundred dollars per dwelling unit for such permit. A dwelling unit, for the purpose of this section, shall be construed to be a house, apartment or other

5. For special legislative authority of the mayor and aldermen to extend sewers beyond the city limits, see § 1-2113.

unit intended for occupancy by one person or family, and in no case shall a duplex or multiple apartment building be considered one unit only.

All fees paid as provided in this section shall be deposited in the Water and Sewer Revenue Anticipation Certificate, Series 1952, Sinking Fund, so long as any of such revenue anticipation certificates of such series shall remain unpaid, or until such funds are in the sinking fund to provide for the payment in full, including interest to maturity, of all outstanding revenue anticipation certificates of the series. Such fees shall then be deposited in the general fund of the mayor and aldermen of the city. (10-3-52, §§ 2, 4.)

Sec. 37-503. Certain statements required of property owner.

Before the city shall agree to provide the use of its sanitary sewerage collection system to property beyond the limits of the city, the owner of the property shall state to the director of public improvements, in writing, how many building lots and sites will be provided in such subdivision and within what length of time such building lots or sites will actually be connected with the sewerage system of the city. (4-30-54, § 2.)

Sec. 37-504. Agreement as to payment of permit fee.

No application made pursuant to section 37-501 of this Code shall be approved unless the owner of the property covered thereby agrees to pay, in advance, each year for five years the fee prescribed by section 37-502 of this Code, on a minimum of ten per cent of the total lots in the subdivision. (4-30-54, § 2.)

Sec. 37-505. Bond or deposit required of property owner.

No application made pursuant to section 37-501 of this Code shall be approved nor shall sanitary sewerage service applied for be installed, unless the person owning the subdivision property provides the mayor and aldermen with a bond, signed by a surety approved by the mayor and aldermen, in the full amount of the fees due or to become due in order to connect all of such building lots or sites with such sanitary sewerage lines within the length of time approved by the mayor and aldermen and conditioned to pay such fees in full. In lieu of such bond, the person

owning such property may deposit either cash or securities, which are legal investments for trustees in accordance with the laws of Georgia, with any bank in the city under an escrow agreement providing that such funds shall be paid over by the escrow agent to the city within the period of time approved by the mayor and aldermen as payment for such fees. (4-30-54, § 3.)

Sec. 37-506. Consideration of proposals from more than one subdivision.

The mayor and aldermen of the city, in determining whether or not to provide sanitary sewerage service outside the city limits, may consider proposals from more than one subdivision which will be served by such sanitary sewerage line in order to determine whether the fees to be paid justify the expenditure. (4-30-54, § 4.)

Sec. 37-507. Service charge.

Every person connecting property or improvements outside the city limits with the city sewer line shall pay to the mayor and aldermen a service charge of two and one-half dollars per month, beginning on the first of the month next succeeding the making of the connection, as a charge for the use of such sewer line. Such charge shall be billed to such person by the city as a part of his water bill and shall be collected with the water bill and such charge shall occupy the status of charges for water made by the city.

All service charges paid as provided in this section shall be paid into the general fund of the city and shall be considered a part of the water and sewer revenue of the city. (10-3-52, §§ 3, 5.)

Sec. 37-508. Title to equipment used in making connection passes to city where property annexed.

Whenever the corporate limits of the city are extended so as to include the property or dwelling units which have been connected with the sewerage system of the city under the provisions of this chapter, title to so much of the pipes, valves, fittings and other equipment used in making such connection as is located either on or under the streets or lanes or any other property of the city shall vest in and become the property of the city, without any other consideration. (3-5-48, § 2.)

TITLE 38.

ZONING.[6]

Chap.
38-1. In General, §§ 38-101 to 38-158.
38-2. Airfield Zoning, §§ 38-201 to 38-217.
38-3. Airport Zoning, §§ 38-301 to 38-316.

Chapter 38-1. In General.

§ 38-101. Definitions.
§ 38-102. Zones and areas established.
§ 38-103. Area "A".
§ 38-104. Area "B".
§ 38-105. Area "C".
§ 38-106. Area "D".
§ 38-107. Area "E".
§ 38-108. Area "F".
§ 38-109. Area "G".
§ 38-110. Area "H".
§ 38-111. Area "I".
§ 38-112. Area "J".
§ 38-113. Area "K".
§ 38-114. Area "L".
§ 38-115. Area "M".
§ 38-116. Area "N".
§ 38-117. Area "O".
§ 38-118. Area "P".
§ 38-119. Area "Q".
§ 38-120. Area "R".
§ 38-121. Area "S".
§ 38-122. Area "T".
§ 38-123. Area "U".
§ 38-124. Area "V".
§ 38-125. Area "W".
§ 38-126. Area "X".
§ 38-127. Area "Y".
§ 38-128. Area "Z".
§ 38-129. Area "AA".
§ 38-130. Area "BB".

6. For special legislative provisions relative to planning and zoning generally, see ch. 1-16. As to authority of mayor and aldermen to enact, alter, etc., zoning and planning laws, see § 1-1602.

§ 38-131. Fairfield Subdivision.
§ 38-132. Colonial Park area.
§ 38-133. Blocks A, B, C and D of Woodmere Estates.
§ 38-134. Area between Fortieth Street, Victory Drive, Habersham Street and East Broad Street; created; restrictions.
§ 38-135. Restrictions on lots fronting Henry Street.
§ 38-136. Construction of bungalow on Lot 54, Hull Ward.
§ 38-137. Construction of dwelling house on Lot 59, Wright Ward.
§ 38-138. Operation of woodyards on Lots 66 and 97, Schley Ward.
§ 38-139. Restrictions on lots fronting on Forsyth Park and Park Extension, Monterey Square and Jasper Square.
§ 38-140. Exceptions of lot at Bull Street and Victory Drive.
§ 38-141. Erection of gasoline and oil filling station on Lots 24 and 26, Southville Ward.
§ 38-142. Operation of poolrooms, public garages, fruit stands, embalming rooms, funeral parlors or undertaking establishments prohibited in certain areas.
§ 38-143. Set-back requirement on east side of Paulsen Street from Fifty-First Street Lane to Fifty-Ninth Street.
§ 38-144. Set-back requirement on Stiles Avenue from Gwinnett Street to Blun Avenue.
§ 38-145. Relieving Lot 183, McKenna Ward, from building restrictions.
§ 38-146. Relieving Lots 109, 110 and 111, Canty Ward, from building restrictions.
§ 38-147. Restrictions on lots fronting Gaston Street from Drayton Street to eastern side of Lincoln Street, etc.
§ 38-148. Relieving the eastern 10.35 feet of Lot 2, all of Lot 3 and the western ten feet of Lot 4, McKenna Ward, from building restrictions.
§ 38-149. Zoning restrictions on Lots 1, 2 and 3, Block "B", Harden Ward, removed.
§ 38-150. Relieving Lots 23, 24 and 25, Schroder Ward, from building restrictions.
§ 38-151. Prohibiting construction of bungalows on certain streets.
§ 38-152. Relieving eastern 19.4 feet of Lots 67, 68 and 69, and the western 5.6 feet of Lot 70, Schroder Ward, from building restrictions.
§ 38-153. Relieving Lot 62, Garrard Ward, from building restrictions.
§ 38-154. Relieving Lot 61, Garrard Ward from building restrictions.
§ 38-155. Permitted location of garage apartments.
§ 38-156. Size of grocery or green grocery stores within certain area of city.
§ 38-157. Removal of restrictions on Lots 183, 184, 185 and 186 of Rourk Ward for commercial purposes.
§ 38-158. Construction of two-car garage on Lot 49, Gill Ward.

Sec. 38-101. Definitions.

Wherever the words "build," "erect" or "construct" are used in this chapter, they shall be understood to include "remodel."

Wherever a front line for construction is fixed, this shall mean the main front wall, unless otherwise specifically provided. No bay windows or wings can project beyond this, but open porches, terraces or steps may project beyond same, but no service construction or fencing.

A "duplex apartment" shall mean a dwelling two or two and one-half stories in height, intended and built to be occupied by not more than two families, living independently, such dwelling to have a single front entrance.

Wherever restrictions provided by contract are more comprehensive than the provisions of this chapter, nothing provided in this chapter shall be meant or construed to avoid such restrictions.

A garage apartment is defined as a two-story building of which forty per cent or more of the lower floor street frontage of such building is garage or storage space, and the floor above is used as living quarters. (Code 1945, §§ 63-107, 63-123.)

Sec. 38-102. Zones and areas established.

It is hereby ordained that in connection with the zoning of the city as to type, location and manner of constructing buildings, zones or areas shall be established as provided in sections 38-103 to 38-131 of this Code. (Code 1945, § 63-104.)

Sec. 38-103. Area "A".

All the land included in the following limits shall be known as Area "A":

Beginning at the northeastern corner of Lot 255, Watson Ward, such point being on Victory Drive; thence along Victory Drive in a westerly direction to Bull Street; thence along Bull Street in a southerly direction to the southwestern corner of Lot 77, Sugden Ward; thence in an easterly direction along the side of Lot 77 to a lane; thence along such lane in the same direction to the southeastern corner of Lot 96, Bryan Ward; thence in a northerly direction in a straight line to the point of beginning.

Within Area "A" restrictions shall prevail as follows:

1. Only single-family residences may be erected.
2. No house shall be over two and one-half stories in height.

3. No house shall be built on a lot having a frontage of less than sixty feet.

4. The front line of the house shall be at least twenty feet from the front line of the lot.

5. No house shall be built within two and one-half feet of the side line of the lot, except that a garage or outbuilding may be constructed on the line within twenty feet of the back line of the lot. On corner lots, no house, outhouse or garage shall be erected within twenty feet of the side line of the lot and garages or outhouses shall be erected only on the side of the lot farthest from the street.

6. Nothing in the foregoing regulations shall be construed to prevent the erection of churches at any place within such area; provided, that such churches shall conform to the foregoing regulations with regard to construction, height and setback from streets and property lines.

7. The construction of a single-family residence is hereby permitted on Lots 116-117, McKenna Ward, in that area of the city known as Area "A".

8. The erection of a dwelling is permitted on Lots 116 and 117, McKenna Ward, Area "A", which lots have a frontage of fifty-eight and two tenths feet and are located in Area "A".

9. A bungalow may be erected upon the property known as Lots 1, 2, 3 and the western part of Lot 4, McKenna Ward.
(Code 1945, § 63-104; 11-27-46, § 1; 3-5-48, § 1; 2-11-49, § 1; 1-12-51, § 1.)

Sec. 38-104. Area "B".

All the land included within the following limits shall be known as Area "B":

Starting at a point on Atlantic Street, midway between Fifty-First Street and Fifty-Second Street; running thence in a southerly direction along Atlantic Street to Fifty-Fourth Street; thence around Hull Park on Atlantic Street on the western side of such street to the southeastern corner of Lot 115, Thorpe Ward; thence in a westerly direction in a straight line to the southwestern corner of Lot 299, Seabrook Ward; thence in a northerly direction in a straight line to the northwestern corner of Lot 178, Seabrook Ward; thence in an easterly direction along the line of a lane from that point to Lot 128, Seabrook Ward; thence along the western side of such lot northwardly in a straight line to Fifty-First Street Lane; thence in an easterly direction along Fifty-First Street Lane to the point of beginning.

Within Area "B" restrictions shall prevail as follows:

1. Only single-family residences may be erected.

2. No house shall be over two and one-half stories in height.

3. No house shall be built on a lot having a frontage of less than forty-five feet, except on corner lots, where the minimum frontage shall be sixty feet.

4. The front line of the house shall be at least fifteen feet from the front line of the lot.

5. No house shall be built within two and one-half feet of the side line of the lot, except that a garage or outbuilding may be constructed on the line within twenty feet of the back line of the lot. On corner lots no houses, outhouses or garage shall be erected within fifteen feet of the side line of such lot and any garage or outbuilding shall be erected on the side of the lot farthest from the street.

Nothing in the foregoing regulations shall be construed to prevent the erection of churches at any place within such area; provided, that such churches shall conform to the foregoing regulations with regard to construction, height and setback from streets and property lines. (Code 1945, § 63-104; 1-12-51, § 1.)

Sec. 38-105. Area "C".

All the land included within the following limits shall be known as Area "C":

Starting at a point on Price Street, midway between Fortieth Street and Maupas Avenue; thence along Price Street in a southerly direction to Forty-First Street Lane; thence in a westerly direction along such lane to Abercorn Street; thence in a southerly direction along Abercorn Street to Victory Drive; thence in an easterly direction to the northwestern corner of Lot 1, Watson Ward; thence in a southerly direction along the western side of such Lot 1, and then continued in a straight line to Fifty-First Street Lane; thence in an easterly direction along such lane to Waters Avenue; thence in a northerly direction along Waters Avenue to a point on Waters Avenue, midway between Fortieth Street and Thirty-Ninth Street; thence in a westerly direction to East Broad Street; thence in a southerly direction along East Broad Street to a point midway between Fortieth Street and Maupas Avenue; thence in a westerly direction to the point of beginning.

Within Area "C" restrictions shall prevail as follows:

1. Only residences, duplex apartments, churches or hotels may be erected; except, that stores and other mercantile establishments

will be allowed on Waters Avenue from Fortieth Street to Victory Drive and on Waters Avenue from Forty-Seventh Street Lane south to the city limits, with a depth not to exceed sixty feet to the east or west; except, that only single family, not more than two and one-half story residences may be erected on Victory Drive, Atlantic Avenue from Victory Drive to Forty-Sixth Street and on Forty-Seventh Street; and except, that apartments, other than duplex apartments, may be built in the block bounded on the north by Forty-Fourth Street, on the east by Waters Avenue, on the south by Forty-Fifth Street and on the west by Chatham Crescent and on those certain lots fronting on Baldwin Park; provided, however, that duplex apartments may be erected within that portion of Area "C" located at the northwest corner of Washington Avenue and Waters Avenue and known as Lots 213, 214, 215 and 216, Dixon Ward, having a frontage of approximately one hundred and twenty feet on Washington Avenue, with a depth northwardly to a lane of ninty-five feet, more or less.

2. No building shall be over two and one-half stories in height.

3. No building shall be constructed on a lot having a frontage of less than forty-five feet; but further provided, that on Victory Drive the minimum frontage shall be seventy-five feet; on Atlantic Avenue from Victory Drive to Forty-Sixth Street the frontage as now shown for each lot on the city map; and, on Forty-Seventh Street not less than a frontage of sixty feet.

4. The front line of the building shall be at least nineteen feet from the front line of the lot, except that on the north side of Estill Avenue the distance shall be thirty-six feet; on the south side of Estill Avenue the building line shall be twenty-six feet; on Atlantic Avenue the building line shall be forty-one feet; on the south side of Forty-First Street the building line shall be thirty-five feet; on the north and south sides of Forty-First Street between Paulsen Street and Waters Avenue the building line shall be thirteen feet; on the north and south sides of Forty-Fourth Street, north and south sides of Forty-Fifth Street and on the north side of Forty-Sixth Street, a building line of twenty-five feet; and, on the south side of Forty-Sixth Street a building line of twenty feet.

5. No building shall be erected within two and one-half feet of the side line of the lot, except that a garage or outbuilding may be constructed on the line within twenty feet of the back line of the lot.

6. The construction of buildings for commercial purposes is hereby permitted in that certain area having the following boundaries: All that certain area bounded on the north by Forty-First Street

Lane; on the east by Lincoln Street; on the south by Forty-Second Street; and, on the west by Abercorn Street. Any building erected for commercial purposes within the aforesaid area may be allowed to front on the property line with such streets and shall not be required to be set back nineteen feet from the front line of such lot.

7. A one-story brick building with entrance on Harmon Street for the use of Dr. Helen Sharpley, as a doctor's office, is permitted to be added as an addition to the home of H. F. Sharpley, located on Lot 198, Dixon Ward, Area "C".

8. The construction of a dwelling is permitted on Lot 230, McKenna Ward, in that area of the city known as Area "C".

(Code 1945, § 63-104; 1-7-49, § 1; 2-11-49, § 1; 7-29-49, § 1; 11-25-55, § 1.)

Sec. 38-106. Area "D".

All the land included within the limits of McNamara, Sullivan, Carter, Wortsman and Randolph Wards in the city shall be known as Area "D".

Within Area "D" the following restrictions shall prevail:

1. Churches may be erected in Sullivan Ward within Area "D".
2. Only single-family residences may be erected.
3. No house shall be over two and one-half stories in height.
4. No main wall or porch of any residence shall be nearer than twenty feet to the front line of a lot.
5. No houses shall be built on lots having frontages less than as follows:

On Moore Avenue, north of Thirty-First Street, on Anderson Street and Henry Street, west of Virginia Avenue, seventy feet.

On Kinzie Avenue, on Gordon Avenue and on Henry Street, east of Virginia Avenue, forty-five feet.

On all other streets and avenues, sixty feet.

On the south side of Kentucky Avenue, east of Virginia Avenue, fifty feet.

On Lots 13 and 14, Block 28 Wortsman Ward, a house may be built on a frontage of sixty feet on Moore Avenue; providing, such house complies with all the other restrictions provided for Area "D".

The provisions of paragraph 5 of this section shall not apply to Lot 10 and the western fifteen feet of Lot 11, Block 4, Carter Ward.

6. No house shall be built within a distance equal to ten per cent of the frontage of the building lot of each of the side lines of the

lot, except that a garage or outbuilding may be constructed on the line within twenty feet of the back line of the lot.

7. No house will be permitted to be built on Moore Avenue north of Thirty-First Avenue, on Anderson Avenue, and west of Virginia Avenue, on Henry Avenue, Kentucky Avenue, Georgia Avenue, Thirty-First Avenue, Gordon Avenue, Edgewood Avenue and Garrard Avenue, having less than sixteen hundred livable or useable square feet of floor space; and no house having less than twelve hundred livable or useable square feet of floor space will be permitted to be built in Area "D" not included in or covered by the foregoing.

8. Except that on Lot "C", Block 3, Sullivan Ward, a residence may be built on a frontage of not less than fifty feet, providing, that such residence complies with all of the other restrictions provided for Area "D".

9. Commercial buildings may be constructed and commercial businesses operated in Randolph Ward in that area located south of a projection of Indiana Avenue.

10. No garage apartment shall be erected in Area "D", except in conjunction with or after the completion of residences herein allowed in such area; provided, that such garage apartment shall be erected on the rear of such building lot.

11. The construction of a dwelling house in Area "D" on Lot 12, Block 3, Sullivan Ward, is hereby permitted, such lot having a frontage of forty-eight feet on the northern side of Kenzie Avenue.

12. The construction of a dwelling house in Area "D", on Lot Nos. 8 and 9, Block 26, Wortsman Ward, in that certain subdivision in the city, known as Gordonston, is hereby permitted.

13. Two-story brick veneer apartments may be erected in that portion of Area "D" in Randolph Ward, lying between Skidaway Road and Pennsylvania Avenue, and being bounded as follows: On the north by Thirty-First Avenue Lane, on the east by Pennsylvania Avenue, on the southwest by Skidaway Road and on the west by Virginia Avenue Lane.

Nothing in the foregoing regulations shall be construed to prevent the erection of churches at any place within such area; provided, that such churches shall conform to the foregoing regulations with regard to construction, height and setback from streets and property lines. (Code 1945, § 63-104; 6-26-46, § 1; 1-8-47, § 1; 3-21-47, § 1; 5-30-47, § 2; 6-27-47, § 1; 10-31-47, § 1; 3-5-48, § 1; 1-21-51, § 1.)

Sec. 38-107. Area "E".

All the land comprised within the limits of Forty-Seventh Street on the north, the Bee Road on the east, Fifty-First Street Lane on the south and Waters Avenue on the west shall be known as Area "E".

Within Area "E" the following restrictions will prevail:

1. Only residences, duplex apartments, churches or hotels may be erected.

2. No building shall be over two and one-half stories in height.

3. No building shall be erected on a lot having a frontage of less than sixty feet.

4. The front line of the building shall be at least ten feet from the front line of the lot.

5. No house shall be built within two and one-half feet of the side line of the lot, except that a garage or outbuilding may be constructed on the line within twenty feet of the back line of the lot.

6. A duplex apartment may be built on the rear of Lots 163-164, Pierpont Ward, which lots lie at the southeast corner of Waters Avenue and Forty-Eighth Street, and such building site shall be allowed to have a frontage of less than sixty feet on Waters Avenue.

7. On Lots 240, 241, 242 and 243, Pierpont Ward, residences may be built on a frontage of not less than fifty feet; providing, that such residences comply with all of the other restrictions provided for Area "E".

(Code 1945, § 63-104, 10-30-46, § 1; 7-20-56, § 1.)

Sec. 38-108. Area "F".

All the land comprised within the limits of an area as follows shall be known as Area "F":

The strip of land one hundred fifty feet wide from the western side of Bull Street extending in a southerly direction from Forty-Sixth or Pearl Streets to the city limits; and,

All lots on Victory Drive from Bull Street eastwardly to the city limits not included in hereinbefore designated areas; and

All lands south of Victory Drive between Bull Street and Waters Avenue to the city limits, not included in hereinbefore designated areas.

Within Area "F" the following restrictions shall prevail:

1. Only residences, apartments, churches, public school buildings and buildings to be used in connection with public schools may be erected.

2. No buildings shall be over two and one-half stories in height.

3. No buildings shall be constructed on a lot having a frontage of less than forty-five feet, with the exception of Lot 46, Bryan Ward. The owner of Lot 46, Bryan Ward, shall be permitted to build on less than forty-five feet frontage. Also, the owner of Lot 45, Section three, Norwood Ward, shall be permitted to build on less than forty-five feet frontage, such lot having a frontage of only forty-three feet.

4. The front line of the building shall be at least fifteen feet from the front line of the lot.

5. No building shall be erected within two and one-half feet of the side line of the lot, except that a garage or outbuilding may be constructed on the line within twenty feet of the back line of the lot.

6. The restrictions set forth herein shall not apply to Lots 3 and 4, Wright Ward, which lots are bounded on the north by a lane, on the east by Bull Street, on the south by Nephew Street and on the west by Lot 1, Wright Ward.

(Code 1945, § 63-104; 2-20-46, § 1; 7-10-46, § 1; 7-14-50, § 1.)

Sec. 38-109. Area "G".

All land included within the following limits shall be known as Area "G":

Beginning at a point on a northern projection of the eastern line of Live Oak Street, two hundred fifty feet from the northern line of Wheaton Street; and running thence in a southeasterly direction, parallel to and two hundred fifty feet from the northern line of Wheaton Street to the property of Hillcrest Cemetery; thence in a southerly direction to the intersection of Wheaton Street and Skidaway Road (Moore Avenue); thence along the western line of Skidaway Road (Moore Avenue) in a southerly direction to the northern line of Thirty-Sixth Street, thence along the northern line of Thirty-Sixth Street to the eastern line of McCormick Street; thence northwardly along the eastern line of McCormick Street to the northern line of Henry Street; thence in a westerly direction along the northern line of Henry Street to the western line of Live Oak Street; thence in a northerly direction along the eastern line of Live Oak Street to the point of beginning.

Within Area "G" the following restrictions shall prevail:

1. Only residences, apartments, hospitals, churches and schools may be erected, except the properties on the northern and southern sides of Wheaton Street, to a depth of two hundred fifty feet, may be used for retail commercial purposes.

2. And except that in the area bounded by Park Avenue on the north, Skidaway Road on the east, Thirty-Sixth Street on the south and McCormick Street on the west, only single-family residences may be erected facing on the Skidaway Road and on Henry Street on lots having a frontage on these streets of not less than seventy-five feet and shall be recessed from the front line of such lots not less than twenty-five feet.

3. Family residences fronting on other streets within this last described area shall be erected on lots having a frontage of not less than sixty feet and shall be recessed from the front line of such lots not less than twenty feet.

4. No building shall be erected within five feet of the side line of the lot, except that a garage or outbuilding may be constructed on the line when such building is built within the rear twenty feet of the lot.

5. No building shall be erected on a lot having a frontage of less than sixty feet; provided, that this restriction shall not apply to any person who, prior to the passage of this chapter,[7] is the bona fide owner of a lot having a frontage of thirty feet or more.

6. Only single-family residences of not less than two and not more than two and one-half stories may be erected in that portion of Area "G" described as follows: Lots 7, 8, 9 and 10 of the Harmon Subdivision of Fairlawn, and that portion of Elyod Heights on the south side of Henry Street and east of McCormick Street. The provisions of this paragraph with respect to single-family residences of not less than two nor more than two and one-half stories shall not apply to any of the lots within the Fairview Subdivision, with the exception of the following numbered lots: 21, 22, 23, 24, 25, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77 and 78, and all residences erected on such lots shall be not less than two nor more than two and one-half stories, as heretofore provided.

7. No portion of any building to be erected on the lots on Skidaway Road shall be placed within twenty-five feet from the boundary line of the building lot bordering on Skidaway Road; provided, that the provisions of this subparagraph shall not apply to Lots 21, 50 and 51 of Fairview Subdivision.

8. Residential buildings may be constructed on a lot having a frontage of forty-five feet in the following area within Area "G",

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7. Original ordinance adopted and approved August 26, 1942; amended October 18, 1944.

to-wit: On the north by Bolton Street, on the east by a point sixty feet west of the western side of Ash Street, on the south by Duffy Street, and on the west by Live Oak Sreet.

9. It shall be permissible for any person to build one and one-half story houses with sixteen hundred square feet of livable or useable floor space on the following lots in Fairview Subdivision: Lots 21, 22, 23, 24, 25, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 74, 75, 76, 77 and 78.

10. Residential buildings may be constructed on Lots 13, 15, 17, 19, 21 and the western three feet of Lot 23, Block 2, Ballantyne Ward, being located on the south side of Duffy Street, between Cedar and Ash Streets; providing, each residential building shall have a frontage of not less than fifty-one feet for such residential building, and the area contiguous thereto, so that three dwellings may be constructed upon the specified lots.

11. The construction of a dwelling on Lot 171 and the eastern one-half of Lot 172, Ballantyne Ward, in that area of the city known as Area "G" is permitted, such construction to be no nearer than two and one-half feet from the side line of the lot.

12. The construction of one dwelling house in Area "G", on Lot 94, the western twelve feet of Lot 95 and the eastern two 2 feet of Lot 93, Ballantyne Ward, is permitted.

13. Residential buildings may be constructed upon the Lots known as 2, 4 and 6, in Block 4, Ballantyne Ward, on the north side of Park Avenue, between Cedar and Ash Streets; providing, the front line of the buildings shall be at least nine feet from the front line of the lots.

(Code 1945, § 63-104; 4-3-46, § 1; 6-25-48, § 1; 1-8-47, § 1; 8-8-47, § 1; 12-10-48, § 1.)

Sec. 38-110. Area "H".

The land included within the following limits shall be known as Area "H":

Beginning at the point where the center line of Fifty-Fifth Street Lane intersects the eastern line of Bull Street and running in an easterly direction along the center line of Fifty-Fifth Street Lane to the center line of Atlantic Avenue; thence in a southerly direction along the center line of Atlantic Avenue to the center line of Fifty-Eighth Street; thence in a westerly direction along the center line of Fifty-Eighth Street to the eastern line of Bull Street; thence in a northerly direction along the eastern line of Bull Street to the center line of Fifty-Fifth Street Lane, the point of beginning.

In Area "H" the following restrictions shall prevail:

1. Only residences, duplex apartments, churches or hotels may be erected.
2. No building shall be over two and one-half stories in height.
3. No building shall be erected on a lot having a frontage of less than forty-five feet.
4. The front line of the building shall be at least ten feet from the front line of the lot.
5. No houses shall be built within five feet of the side line of the lot, except that a garage or outbuilding may be constructed on the line within twenty feet of the back line of the lot.

(Code 1945, § 63-104.)

Sec. 38-111. Area "I".

The land included within the following limits shall be known as Area "I":

Beginning at the point where the center line of Fifty-Eighth Street intersects the eastern line of Bull Street and running in an easterly direction along the center line of Fifty-Eighth Street to the center line of Atlantic Avenue; thence along the center line of Atlantic Avenue in a northerly direction to the center line of Fifty-Second Street; thence in an easterly direction along the center line of Fifty-Second Street to the center line of Waters Avenue; thence along the center line of Waters Avenue in a southerly direction to the city limits, which are at present Sixtieth Street Lane; thence along the line of the present city limits in a westerly direction to the eastern line of Bull Street; thence along the eastern line of Bull Street in a northerly direction to the center line of Fifty-Eighth Street; the point of beginning.

Within Area "I" the following restrictions shall prevail:

1. Only residences, apartments and churches may be erected.
2. No building shall be over two and one-half stories high.
3. No building shall be erected on a lot having a frontage of less than sixty feet; provided, that this restriction shall not apply to any person who, prior to the passage of this paragraph [8] is the bona fide owner of a lot having a frontage of forty-five feet; provided, however, that Lots 105, 106, 107, 108 and 109, Hornstein Ward, which have a combined frontage of one hundred sixty-eight feet, shall be excepted from the provisions of this paragraph which

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8. March 20, 1946.

requires buildings to be erected on lots having a frontage of sixty feet. Be it further enacted, that on such named lots three buildings may be erected, each to be erected on a lot having a frontage of fifty-six feet, except that on Lot 12, Block 20, Grimshaw Ward, a residence may be built on a frontage of not less than fifty feet; providing, that such residence complies with all of the other restrictions provided for Area "I". On Lot 1, Block 20, Grimshaw Ward, a house may be built on a frontage of less than sixty feet; providing, such house complies with all of the other restrictions provided for Area "I".

4. The front line of the building shall be at least fifteen feet back from the front line of the lot.

5. No house or building shall be erected within five feet of the side line of the lot, except that a garage or outbuilding may be erected on the line within twenty feet of the back line of the lot.

6. Outhouses or garages shall on all corner lots be erected on the side of the lot furthest from the street.

7. The provisions of paragraph 3, as set forth above, shall not apply to Lots 79 and 80, Block 21, Grimshaw Ward, which have a combined frontage of fifty-eight and sixty-one one hundredths feet on Fifty-Ninth Street, and a single-family residence may be erected on such two lots combined.

8. A single-family residence may be erected on the eastern fifty-five feet of Lots 134 and 135, Hornstein Ward, such portions of lots having a combined frontage on the south side of Fifty-Ninth Street of fifty-eight and two-tenths feet.

9. The resubdivision of Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, Block 18, Nugent Ward, so that such lots as resubdivided will consist of six building sites with frontages of fifty-three and eight-tenths feet and depths of one hundred twenty feet, such new building sites to be known as Lots A, B, C, D, E and F, Block 18, Nugent Ward, is hereby permitted.

10. The construction of a dwelling on Lot 19, Block 19, Grimshaw Ward, corner of Fifty-Eighth and Battey Streets, in that area of the city known as Area "I", is hereby permitted.

11. The construction of a dwelling on Lot 20, Grimshaw Ward, corner of Fifty-Ninth and Battey Streets, in that area of the city known as Area "I", is hereby permitted.

(Code 1945, § 63-104; 3-20-46, § 1; 6-26-46, § 1; 10-30-46, § 1; 2-21-52, § 1; 1-23-48, § 1; 7-23-48, § 1; 9-17-48, § 1; 6-17-49, § 1.)

Sec. 38-112. Area "J".

All the land included within the following limits shall be known as Area "J":

Beginning at the intersection of Fifty-First Street Lane and the eastern side of Waters Road; thence running eastwardly to the west side of Bee Road; thence running southwardly along a line projected south 16 degrees, 15 minutes west to the northern boundary of Sackville, approximately Fifty-Fifth Street Lane; thence running westwardly along the northern boundary of Sackville to the eastern side of Waters Road; thence northwardly along Waters Road to the point of beginning.

Within Area "J" the following restrictions shall prevail:

1. Only residences, apartments and churches may be erected.

2. No buildings shall be over two and one-half stories high.

3. No buildings shall be erected on a lot having a frontage of less than sixty feet; provided, that this restriction shall not apply to any person who, prior to the passage of this paragraph [9] is the bona fide owner of a lot having a frontage of forty-five feet.

4. The front line of the building shall be at least fifteen feet back from the front line of the lot.

5. No house or building shall be erected within five feet of the side line of the lot, except that a garage or outbuilding may be erected on the line within twenty feet of the back line of the lot.

6. Mercantile buildings may be erected upon and mercantile businesses operated upon Lot 23, Wilkins Ward, of the city, located on the southeast corner of Fifty-Third Street and Waters Avenue. The structures to be erected shall not extend closer than thirty feet from the street line of Fifty-Third Street.

(4-8-49, §§ 3, 4; 7-29-49, § 1.)

Sec. 38-113. Area "K".

All the land included within the following limits shall be known as Area "K":

Beginning at a point one hundred fifty feet west of Bull Street at the intersection of Nephew Street; thence running in a southerly direction along such line, which is a part of Area "F", to the center line of Fifty-Third Street; thence along the center line of Fifty-Third Street to the center line of Bull Street; thence running in a southerly direction along the center line of Bull Street to the present corporate limits of the city; thence running in a

9. April 8, 1949.

westerly direction along the present corporate limits of the city to the center line of Montgomery Street; thence running in a northerly direction along the center line of Montgomery Street to the center line of Nephew Street; thence running in an easterly direction along the center line of Nephew Street to a point one hundred fifty feet west of Bull Street to the point of beginning.

Within Area "K" the following restrictions shall prevail:

1. Only residences, apartments, hotels, churches and schools may be erected, except that retail establishments may be built on the west side of Bull Street from Fifty-Third Street south to the city limits for a distance of one hundred feet west from Bull Street. Retail establishments may also be built on the east side of Montgomery Street from Fifty-Fourth Street Lane south to the city limits for a distance of one hundred feet east from Montgomery Street.

2. No buildings shall be over two and one-half stories in height.

3. No buildings shall be constructed on a lot having a frontage of less than forty-five feet; provided, that this restriction shall not apply to any person who, prior to the passage of this paragraph,[1] is the bona fide owner of a lot having a frontage of thirty feet.

4. The set-back or building line shall be equivalent to fifteen per cent of the depth of the lots, north and south, and must be observed from Bull to Montgomery Streets, even though lots face Bull Street or Montgomery Street. The minimum setback or building line on Bull Street or Montgomery Street shall be two and one-half feet.

5. No building shall be erected within two and one-half feet of the side line of the lot, except that a garage or outbuilding may be constructed on the line within twenty feet of the back line of the lot.

6. No structure, sign or signpost, fence or any portion of a building may be placed on any of the lots situated on the eastern side of Montgomery Street from Fiftieth Street south to the city limits within ten feet from the western, southern and northern boundary lines of such lots.

7. There may be erected on the western two feet, six inches of Lot 1, all of Lot 2 and the eastern twelve feet, six inches of Lot 3, Block B, Hitch Ward, a building or buildings which may be used for commercial purposes; provided, that such building or buildings shall not be over one story in height and shall be used only for the receiving, delivery, storage and sale of goods, wares and merchandise; and provided further, that no alcoholic or malt beverages may be sold therein. (Code 1945, § 63-104; 3-4-55, § 1.)

1. Original ordinance adopted and approved June 4, 1942; amended March 22, 1944.

Sec. 38-114. Area "L".

All the land included within the following limits shall be known as Area "L":

Beginning at a point at the intersection of Victory Drive and Skidaway Road; thence running in a north-northwesterly direction along the center line of Skidaway Road to the center line of Bonaventure Road; thence running in an easterly direction along the center line of Bonaventure Road to the center line of Levy Avenue; thence running in a southerly direction along the center line of Levy Avenue to the northern line of Victory Drive; thence running in a westerly direction along the northern line of Victory Drive to the center line of Skidaway Road, the point of beginning.

Within Area "L" the following restrictions shall prevail:

1. Only residences, duplex apartments and churches may be erected, except that retail stores and other retail mercantile establishments will be permitted fronting on Skidaway Road, not to exceed a depth of one hundred feet, between Thirty-Seventh Street Lane and Bonaventure Road and, except that apartment houses, but not of the tenement type, will be permitted fronting on Victory Drive.

2. No residence or duplex apartment shall be over two and one-half stories in height.

3. No building shall be erected on a lot having a frontage of less than sixty feet, except that this paragraph will not apply to an owner of a building lot of less than sixty feet who, prior to the passage of this paragraph,[2] was the bona fide owner of the building lot.

4. The front line of the building shall be at least fifteen feet from the front line of the lot.

5. No building shall be erected within five feet of the side line of a lot, except that a garage or outbuilding may be erected on the line within a distance of twenty-five per cent of the depth of the lot from the back line of the lot, and, except that on corner lots, no garage or outbuilding shall be permitted nearer than ten feet to the side street line.

2. September 25, 1940.

6. Lots 24 and 25, Block 18, Green Acres Subdivision, Murphy Ward, are hereby exempted from the zoning or building restrictions now applicable to Area "L" so as to permit the construction of buildings on such lots to be used for commercial purposes, but not to include or permit the construction of buildings to be used as filling stations, places for the sale of liquor or trailer camps.

7. The owners of Lots 22, 23, 24 and 25, Block 18, Murphy Ward, shall be permitted to establish and operate a filling station on such lots.

8. A building for commercial purposes may be erected on that portion of Lots 1 and 2, Block 7, Murphy Ward, lying west of a line drawn north and south through such lots beginning at a point fifty feet east of the intersection of the south line of Lot 2, with the east line of the right of way of Skidaway Road and extending northwardly at right angles to the south line of Lot 2, until it intersects the south line of Thirty-Eighth Street.

9. Retail stores and other retail merchantile establishments may be erected, fronting on Victory Drive, on those lots known as Lots 1 to 14, both inclusive, Morrison Heights, Murphy Ward, as shown upon a certain map of Morrison Heights, dated June 27, 1950, which is recorded in the office of the clerk of the superior court of Chatham County, Georgia, in Subdivision Map Book A's page 169, provided, however, that no liquor, beer or wine shall be sold or served in any such store or establishment. No business shall be carried on in any such store or establishment which creates noise, dirt or noxious odors; and no such store or establishment shall remain open after the hour of 11:00 P. M. at night.

10. The erection of a frame bungalow on Lots 12 and 13, Murphy Ward, in Area "L" is permitted, such lots having a frontage of fifty-seven and one-half.

11. The construction of two dwelling houses in Area "L", on Lots 2, 4, 6 and 8, Block 12, Murphy Ward, is permitted.

12. The construction of a retail mercantile establishment in Area "L", on Lots 20 and 21, Block 18, Murphy Ward, is permitted.

None of the restrictions provided herein shall apply to the lots located on the southeast corner of Thirty-Ninth Street and Skida-Way Road known, as Lots 18 and 19, Block 18, Murphy Ward. (Code 1945, § 63-104; 1-23-46, § 1; 5-30-47, § 1; 8-8-47, § 1; 10-17-47, § 1; 2-11-49, § 1; 11-17-50, § 1; 9-21-51, § 2; 11-12-54, § 1.)

Sec. 38-115. Area "M".

All the land included within the following limits shall be known as Area "M":

Starting at the intersection of Victory Drive and the eastern side of Ash Street; thence in a northerly direction to the south side of Thiry-First Street; thence east to the eastern side of Bee Road; thence north to the south side of Henry Street; thence east to western side of McCormick Street; thence south on west side of McCormick Street to the south side of Thirty-Sixth Street north; thence east to the western side of Skidaway Road; thence south-southeast to the northern side of Victory Drive; thence west to the eastern side of Ash Street, the point of beginning.

Within Area "M" the following restrictions shall prevail:

1. Only residences, duplex apartments or churches may be erected, except that facing on Victory Drive, apartment houses, theatres and hotels may be erected; provided, however, that a grocery store may be erected on Lots 65 and 66, Saussy Ward, on the northwest corner of Thirty-Eighth and Richter Streets; and provided further, that buildings suitable for commercial usage may be erected within that portion of Area "M" known as Lots 1, 2, 3 and 4, and a certain unopened lane running between such Lots 1, 2, 3 and 4, Boulevard Park, Rourke Ward.

2. Except as provided for, on Victory Drive, no building shall be over two and one-half stories in height, and no building shall be constructed on a lot having a frontage of less than sixty feet, except that this paragraph will not apply to an owner of a building lot of less than sixty feet who, prior to the passage of this paragraph [3] was the bona fide owner of the building lot.

3. The front line of a building shall be at least fifteen feet from the front line of the lot.

4. No building shall be erected within five feet of the side line of the lot, except that a garage or outbuilding may be constructed on the line within twenty feet from the back line of the lot.

5. The erection of buildings on Victory Drive, other than residences, duplex apartments and churches, shall be as prescribed by the director of public improvements, as to building lines in relation to lot lines, side lines, etc.

6. Mercantile buildings may be erected on Lot 81, Boulevard Park, located on the corner of Thirty-Ninth Street and Moore Avenue.

3. Original ordinance adopted and approved June 18, 1941; amended July 25, 1945 and November 28, 1945.

7. All restrictions are removed from those lots lying on the western side of the Skidaway Road, known as Lots 104, 129, 157, 187, 220, 225 and 293, Boulevard Park, Rourke Ward. All restrictions are likewise removed from Lots 158 to 186, both inclusive, Boulevard Park, Rourke Ward.

8. Commercial buildings may be built, and property herein described may be used for commercial purposes, in the following parts of Area "M": All those lots in Rourke Ward, bounded on the north by the northern line of Thirty-Sixth Street, on the east by McAlpin Street, on the south by the northern line of Thirty-Seventh Street and on the west by farm Lots 19 and 20, Saussy Ward; also, Lots 1 to 33, both inclusive, Saussy Ward, and Lots 65, 66, 67, 68, 69, 70 and A, Oakwood Subdivision, Saussy Ward. Nothing contained in this paragraph shall be construed to authorize any obstruction or encroachment on any of the streets or lanes shown on the official map of the city as being contained within the above-described boundaries.

9. Mercantile buildings may be erected on Lots 127, 128, 218, 219, 253, 254, 291 and 292, Boulevard Park, Rourke Ward; provided, that such buildings shall not be used as package shops, nightclubs, dance halls or barrooms.

10. Commercial buildings may be built within the following described portion of Area "M" and the following described property in Area "M" may be used for commercial purposes:

That certain portion of Burtondale Subdivision, as amended, Roos Ward, lying within the area bounded on the north by Forty-Second Street Extended, on the east by Bee Road, on the south by Victory Drive and on the west by Lots 64 and 129, Roos Ward, and Forty-Second Street Lane; provided, however, that such described property and the improvements thereon shall not be used for any barroom, nightclub, dance hall, package shop, drive-in restaurant, drive-in theatre, skating rink, laundry or dry-cleaning plant, public storage or repair garage, junk yard or other uses which create large quantities of dirt, garbage, waste or loud noises or emit large quantities of smoke, fumes or gases; and provided further, that within sixty feet of Bee Road, such property shall not be used for any commercial purpose, except one office building of not more than two stories in height.

11. Commercial buildings may be built within the following described portion of Area "M" and the following described property in Area "M" may be used for commercial purposes:

That certain tract of land in Rourke Ward, lying south of and

adjoining Boulevard Park Subdivision, and known and described as Lot 9 of a resubdivision of Cuyler Farm Lot 23, as shown on the map of the city and being bounded on the north by Boulevard Park Subdivision, on the east by Skidaway Road, on the south by Lot 8 of a resubdivision of Cuyler Farm Lot 23 and on the west by McAlphin Street; provided, however, that such described property and the improvements thereon shall not be used for any barroom, nightclub, dance hall, package shop, drive-in theatre, skating rink, public storage or repair garage, junk yard or other uses which create large quantities of dirt, garbage or waste or emit loud noises or large quantities of smoke, fumes or gases.

12. A building for use as a private club may be erected and maintained on Lots 398 to 437, both inclusive, Lot 458 and Lots 459 to 468, both inclusive, in Rourke Ward.

13. A portion of Area "M" heretofore zoned, as set forth in this section, shall be unzoned so that the portion which is unzoned shall be used as a recreational park, the portion unzoned being set out in a map prepared by the director of public improvement's office, and to remain unzoned as long as such area is used for recreational park purposes. In the event that such area shall not be used for recreational park purposes within a period of one year from the date of the adoption of this paragraph,[4] or the use shall be discontinued for more than one year, then and in such event, the area unzoned shall revert back to its original status.

14. Lots 154, 155 and 156, Boulevard Park Subdivision, Rourke Ward, may be used for commercial purposes on condition that before such improvements may be so used, three parking spaces of not less than one hundred eighty square feet each shall be established thereon for parking purposes.

15. Small retail commercial establishments may be erected and operated on the west side of Skidaway Road from Bonaventure Road to Forty-Second Street.

(Code 1945, § 63-104; 3-20-46, § 1; 4-3-46, § 1; 4-17-46, § 1; 10-6-50, § 1; 2-3-53, § 1; 8-21-53, § 1; 10-15-54, §§ 1, 2; 4-1-55, § 1; 6-8-56, § 1; 12-7-56, § 1.)

Sec. 38-116. Area "N".

All the land included within the following limits shall be known as Area "N":

Beginning at a point located at the northwest corner of Victory

4. October 15, 1954.

Drive and Lincoln Street; thence running in a northerly direction along the western side of Lincoln Street to the southwest corner of Fortieth and Lincoln Streets; thence running in a westerly direction along the southern side of Fortieth Street to the southeast corner of Barnard and Fortieth Streets; thence in a southerly direction along the eastern side of Barnard Street to the northeast corner of Victory Drive, Forty-Third Street, and Barnard Street; thence in an easterly direction along the northern side of Victory Drive to the northwest corner of Lincoln Street and Victory Drive, the point of beginning.

Within Area "N" the following restrictions shall prevail:

1. Only residences, apartments, hotels, churches, theatres and small business enterprises are permitted.

2. No buildings shall be over two and one-half stories in height.

3. No buildings shall be constructed on a lot having a frontage of less than forty-five feet; provided, that this restriction shall not apply to any person who, prior to the passage of this paragraph,[5] is the bona fide owner of a lot having a frontage of thirty feet.

4. The following businesses are prohibited: Laundry plants, dry-cleaning plants, except that a dry-cleaning plant costing not less than twenty-five thousand dollars may be erected on Lots 38 and 40, Southville Ward, on the northwest corner of Victory Drive and Abercorn Streets, funeral homes, automobile repair shops, tire recapping plants, coal and wood yards, garages, stables, planing mills, coffin or casket factories, metal working plants, fertilizer plants, stone yards, cement or concrete works and businesses of like character. The provisions of this paragraph shall not apply to Lots C, 17, 19 and D, Southville Ward, which lots as a whole are bounded on the east by Drayton Street, on the north and west by the Atlantic Coast Line Railway right of way and on the south by Forty-Second Street.

5. The operation of a laundry and dry-cleaning plant on the northeast corner of Forty-First and Drayton Streets, in the city, being immediately south of and adjacent to the Atlantic Coast Line Railroad tracks, on property known on the map of the city as Lots 29, and part of 27, Southville Ward is permitted.

6. The restrictions set forth in this section shall not apply to Lot 23, Southville Ward.

(Code 1945, § 63-104; 4-3-46, § 1; 4-16-48; 1-7-55, § 1.)

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5. Original ordinance adopted and approved August 23, 1944; amended August 8, 1945.

Sec. 38-117. Area "O".

All the land included within the following limits shall be known as Area "O":

Starting at a point ninety feet west of the western side of East Broad Street on the northern side of Gwinnett Street; thence running in a westerly direction to the eastern side of Drayton Street; thence running in a southerly direction to the northern side of Fortieth Street; thence running in an easterly direction to the western side of East Broad Street; thence running in a northerly direction to a point ninety feet south of Gwinnett Street on the western side of East Broad Street.

Within Area "O" the following restrictions shall prevail:

1. The development and improvement of real estate is prohibited for the following uses and such area is zoned and districted to prohibit real estate located therein from being used for the following purposes: Laundry plants, dry-cleaning plants, funeral homes, automobile repair shops, tire recapping plants, coal and wood yards, public garages, stables, coffin or casket factories, fertilizer plants, abattoirs, wholesale or retail seafood markets or cold storage plants, planing mills, metal working plants, stone yards, cement or concrete works and theatres or moving picture theatres; provided, however, that any real estate used for any of the above-named purposes at any location within Area "O", prior to the adoption of this section,[6] shall not be affected by the provisions hereof and shall be permitted to continue such use of real estate in any such location within Area "O".

2. No commercial enterprise or business of any kind or character shall be conducted or permitted, and no commercial building shall be constructed, on either side of Abercorn Street from Anderson Street on the north, south to Thirty-Ninth Street on the south; provided, however, that any real estate used for commercial enterprises or businesses at any location on either side of Abercorn Street from Anderson Street on the north, south to Thirty-Ninth Street on the south, prior to the adoption of this paragraph[7] shall not be affected by the provisions of this paragraph, but such real estate may hereafter be used for commercial enterprises and business purposes on Abercorn Street from Anderson Street to Thirty-Ninth Street.

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6. Original ordinance adopted and approved February 21, 1945; amended April 18, 1945.

7. July 24, 1946.

3. The operation of an insurance business on the northwest corner of Thirty-Fourth and Abercorn Streets in the city, on property known on the map of the city as the eastern twenty feet of Lot 40 and all of Lot 41, Reppard Ward, is permitted.

4. The owner of Lot 53, Barry Ward, in Zone "O", shall be permitted to establish and operate a business for the manufacture of concrete blocks and other cement products.

(Code 1945, § 63-104; 7-24-46, § 1; 8-7-46, § 1; 3-16-56, § 1.)

Sec. 38-118. Area "P".

All the land included within the following limits shall be known as Area "P":

Beginning at the northeast corner of East Broad and Henry Streets, thence running north along the eastern side of East Broad Street to its intersection with Bolton Street at the southeastern corner of Bolton and East Broad Streets; thence running east along the southern side of Bolton Street to the southwest corner of Bolton Street and Atlantic Avenue; thence running in a southerly direction along the western side of Atlantic Avenue to its intersection with Henry Street; thence along the northern side of Henry Street westward to the point of beginning at its intersection with East Broad Street.

Within Area "P" the following restrictions shall prevail:

The development and improvement of real estate is prohibited for the following uses, and such area is zoned and districted to prohibit real estate located therein from being used for the following purposes: Laundry plants, dry-cleaning plants, funeral homes, automobile repair shops, tire recapping plants, coal and wood yards, public garages, stables, metal working plants, stone yards, coffin or casket factories, fertilizer plants, canning plants, warehouses, storage plants, abattoirs, wholesale or retail seafood markets or cold storage plants, planing mills, cement or concrete works, theatres and moving picture theatres; provided, however, that any real estate used for any of the above-named purposes at any location within Area "P", prior to the adoption of this section,[8] shall not be affected by the provisions hereof and shall be permitted to continue such use of real estate in any such location with Area "P".

Business houses or commercial enterprises will be allowed on the

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8. Original ordinance adopted and approved April 18, 1945; amended May 2, 1945.

four corner sites at the intersection of Henry Street with Waters Avenue to a maximum of one hundred feet east and west fronting on Henry Street. (Code 1945, § 63-104.)

Sec. 38-119. Area "Q".

All the land included within the following limits shall be known as Area "Q":

Starting at a point at the southeast corner of Kinzie and Pennsylvania Avenues; thence running in a southeasterly direction along the southern line of Kinzie Avenue to Mississippi Avenue; thence running in an easterly direction along the southern line of Mississippi Avenue to the southwest corner of Georgia Avenue; thence running in a southerly direction along the west line of Georgia Avenue to the northwest corner of Georgia Avenue and Bonaventure Road; thence running in a westerly direction along the northern line of Bonaventure Road to Pennsylvania Avenue; thence running directly in a northerly direction along the eastern line of Pennsylvania Avenue to the southeast corner of Kinzie Avenue, the point of beginning.

Within Area "Q" the following restrictions shall prevail:

1. Only residences, apartments or churches may be erected, with the following exceptions:

(a) Pennsylvania Avenue and Bonaventure Road, the corner on the east side bounded on the north by Massachusetts Avenue and on the south by Bonaventure Road, retail commercial structures may be built.

(b) The northwest corner of Bonaventure Road and Georgia Avenue, retail commercial structures may be built.

(c) The two complete blocks bounded on the north by the south side of Mississippi Avenue, on the east by the west side of Connecticut Avenue, on the south by the north side of Florida Avenue and on the west by New Jersey Avenue, retail commercial structures may be built.

(d) Lots 24, 26 and 28, Block 28, Meyer Ward, Avondale, may be divided into two lots each having a frontage of fifty-two and one-half feet and one building may be erected on each of such two lots; the necessary number of owners of property within such area and within six hundred feet of such lots having agreed to the same.

2. No buildings shall be over two and one-half stories in height.

3. No buildings shall be constructed on a lot having a frontage of less than sixty feet; provided, that this restriction shall not apply to

any person who, prior to the passage of this section,[9] is the bona fide owner of a lot having a frontage of thirty feet.

4. The construction of a bungalow on each of the following lots or parcels of land is hereby permitted,

Lot 12 and W. ½ of Lot 14, Block 9
Lot 16 and E. ½ of Lot 14, Block 9
Lot 18 and W. ½ of Lot 20, Block 9
Lot 22 and E. ½ of Lot 20, Block 9
Lot 15 and W. ½ of Lot 17, Block 10
Lot 19 and E. ½ of Lot 17, Block 10

all being in Meyer Ward, Avondale, in that area of the city known as zoning Area "Q".

5. The construction of two dwellings with a frontage of fifty-two and one-half feet each on Lots 6, 8 and 10, Block 5, Meyer Ward, Avondale, in that area of the city known as Area "Q", is permitted.

6. The construction of two dwellings, with a frontage of fifty-two and five-tenths feet each, on Lots 15, 17 and 19, Block 36, Meyer Ward, Avondale, in that area of the city known as zoning Area "Q", is permitted.

7. The construction of four dwellings, with a frontage of fifty-two and five-tenths feet each, on Lots 5, 7, 9, 11, 13 and 15, in Block 32, Meyer Ward, Avondale, in that area of the city known as Area "Q", is permitted.

(Code 1945, § 63-104; 9-17-48, § 1; 12-23-48, § 1; 4-22-49, § 1.)

Sec. 38-120. Area "R".

All the land included within the following limits shall be known as Area "R":

Bounded on the north by the northern side of Harris Street; on the west by the western side of Barnard Street; on the south by the southern side of Gaston Street and on the east by the eastern side of Lincoln Street.

Within Area "R" the following restrictions shall prevail:

1. As to Liberty Street, Harris Street, Macon Street, Charlton Street, Jones Street, Taylor Street, Wayne Street, Gordon Street and Gaston Street:

(a) Existing lot lines as to width and depth shall prevail and govern in the construction of any buildings or in the remodeling of buildings. A combination of existing lots shall be permissible.

(b) On the streets named herein within the boundaries mentioned aforesaid, only residences and/or office and residence buildings combined, apartment houses, hotels and churches may be erected and operated, excepting that where buildings are erected on corner lots in conformity with this chapter, commercial establishments may be operated in such buildings.

2. The restrictions herein set forth shall not apply to the eastern two-thirds of Lot 40 and all of Lots 41, 42 and 43, Lafayette Ward.

(Code 1945, § 63-104; 7-24-46, § 1.)

9. June 27, 1945.

Sec. 38-121. Area "S".

All the land included within the following limits shall be known as Area "S":

Beginning at a point on the western line of Lathrop Avenue East, one hundred fifty feet north of the northern line of Bay Street west, and running thence in a westerly direction on a line parallel to and one hundred fifty feet from the northern line of Bay Street west, to the eastern line of Bay Avenue; thence in a southeasterly direction along the eastern line of Bay Avenue to the northern projection of the eastern line of Millen Street; thence southwardly along the eastern line of Millen Street to Augusta Road; thence in an easterly direction along the northern line of the Augusta Road to the northern line of Newell Street; thence along the northern line of Newell Street to the western line of Lathrop Avenue east; thence along the western line of Lathrop Avenue east in a northerly direction to the point of beginning.

Within Area "S" the following restrictions shall prevail:

1. Only residences, apartments, churches and schools may be erected, except that the properties fronting on the boundary streets to a depth of one hundred fifty feet may be used for retail commercial establishments. No building shall be erected within two and one-half feet of the side lines of the lot, except that a garage or outbuilding may be constructed on the line when such building is built within the rear twenty feet of the lot.

2. Except that mercantile establishments may be erected on the south side of Richards Street in such area, but such mercantile establishments shall be constructed of fire-resistant materials and no such mercantile establishment so constructed, shall cost less than three thousand dollars.

(Code 1945, § 63-104.)

Sec. 38-122. Area "T".

All the land included within the following limits shall be known as Area "T":

Beginning on a point on the eastern line of Water Street, one hundred feet north of the northern line of Bay Street west, and running thence in an easterly direction, parallel to and one hundred feet from the northern line of Bay Street west, to a point one hundred feet beyond the eastern line of Ann Street; thence at right angles in a southerly direction on a line parallel to, and one hundred feet from, the eastern line of Ann Street and the projection thereof to Hull Street; thence in a westerly direction along the northern line of Hull Street to the eastern line of the right of way of the Savannah and Ogeechee Canal; thence in a northerly direction along the eastern line of the right of way of the Savannah and Ogeechee Canal to the southern line of Bay Street west; thence east along the northern line of Bay Street west to the eastern line of Water Street; thence north along the eastern line of Water Street to the point of beginning.

Within Area "T" the following restrictions shall prevail:

1. Only residences, apartments, churches and schools may be erected, except those properties fronting on the boundary streets; that is to say, Bay Street west, Ann Street and Hull Street, may be used for retail commercial enterprises; provided, however, that buildings suitable for commercial usage may be erected within that portion of Area "T" known as Lots 16, 17 and 24, South Oglethorpe Ward.

2. No building shall be erected within two and one-half feet of the side lines of the lot, except that a garage or outbuilding may be constructed on the line when such building is built within the rear twenty feet of the lot. (Code 1945, § 63-104; 12-9-55, § 1.)

Sec. 38-123. Area "U".

All the land included within the following limits shall be known as Area "U":

Commencing at the northwest corner of Ash Street and Forty-Second Street Lane, running thence northwardly along the western line of Ash Street to the southwest corner of Thirty-Fourth Street Lane; thence westwardly along the southern line of such lane to a distance of ninety feet west of the western line of Live Oak Street; thence southwardly parallel to Live Oak Street and ninety feet

west thereof to the northern side of Forty-Second Street Lane; thence eastwardly along the northern side of such lane to the point of beginning at the southwest corner of such lane and Ash Street; also, that tract of land bounded on the north by Thirty-Ninth Street Lane, on the east by Live Oak Street, on the south by Forty-First Street Lane and on the west by Waters Avenue.

Within Area "U" restrictions shall prevail as follows:

1. Only residences, apartments or churches may be erected in Area "U".
2. No building shall exceed two and one-half stories in height.
3. No buildings shall be erected on a lot having a frontage of less than thirty feet.
4. The front line of buildings shall be at least ten feet from the front line of the lot.
5. No building shall be erected within two and one-half feet of the side line of the lot, except that a garage or outbuilding may be constructed on the line within twenty feet of the back line of the lot.
6. All main buildings shall face on the street parallel to the front line of each lot and immediately in front thereof. This restriction shall apply to all lots abutting Ash Street, Cedar Street and Live Oak Street.

(4-3-46, §§ 1, 2; 12-10-48, § 1.)

Sec. 38-124. Area "V".

All the land included within the following limits shall be known as Area "V":

All that certain area within the corporate limits of the city being bounded on the north by the northern boundary of Sackville, approximately Fifty-Fifth Street Lane, on the east by the western boundary of Ninth Street, on the south by the southern boundary of Parnell Avenue and on the west by the eastern boundary of Waters Avenue.

Within Area "V" restrictions shall prevail as follows:

No use shall be made of any property or improvements within the limits of the above area for the purpose of selling intoxicating, malt or vinous liquors or beverages, or for the purpose of operating cabarets, nightclubs, poolrooms, dance halls, bowling alleys, commercial amusement parks and junk yards of every description. (6-2-50, § 2.)

Sec. 38-125. Area "W".

All the land included within the following limits shall be known as Area "W":

All the land bounded on the north by the city limits of the city, as they existed on January 1, 1950, on the east by the western line of Waters Avenue, on the south by the northern line of DeRenne Avenue and on the west by the eastern line of White Bluff Road or Bull Street as extended, except that area known as Kensington, being bounded north by North DeRenne Avenue, east by Waters Avenue, south by the new city limits and west by William Street.

Within Area "W" restrictions shall prevail as follows:

1. Only single-family residences, apartment buildings, schools and churches may be erected.
2. No buildings shall be over two and one-half stories in height.
3. No building shall be built on a lot having a frontage of less than sixty feet.
4. The front line of the main body of any building shall be at least twenty feet from the front line of the lot, except that where in any block a building set-back line is now established, such set-back line shall govern in that block.
5. No building shall be built within five feet of the side line of the lot, except that garages or outbuildings may be constructed on the property line of the lot. On corner lots, no building, outhouse or garage shall be erected within twenty feet of the side line of the lot nearest the street and garages or outhouses shall be erected only on the side line farthest from the street.
6. A building not exceeding two and one-half stories in height may be built within such area; provided, that it is built by some charitable, religious or character-building organization or corporation, and is built on a contiguous tract of land containing not less than five acres. No such building shall be built closer than fifty feet to any street line and within such limits one or more buildings may be erected on such tract by such organization or corporation.
7. All land designated as Blocks A, B, C and D, Woodmere Estates, Fulmer Ward, as set forth on a map thereof recorded in the office of the clerk of the superior court of Chatham County, Georgia, in Subdivision Map Book A, pages 133 and 134, and being bounded on the north by Sixtieth Street Lane, on the west by Abercorn Terrace Apartments, on the south by Sixty-Third Street and on the east by Habersham Street, and "Woodmere Park Area" shall be subject to the following restrictions:

In Block A, any retail commercial structure not to exceed one story in height may be constructed thereon, except a grocery or meat market in which the retail selling area shall exceed five thousand four hundred square feet in dimension, or any filling station, public garage, machine shop or place where intoxicating or alcoholic malt beverages are sold or consumed. In Blocks B, C and D, any retail commercial structure not to exceed one story in height may be constructed, occupied and used.

8. That portion of Area "W" bounded on the north by the southern line of Sixty-Third Street Lane, as extended, on the east by the western line of Waters Avenue, on the south by the northern line of Sixty-Fifth Street and on the west by the eastern line of Ridgewood Annex Subdivision, may also be used for the construction of doctors' offices, clinics and other buildings for like purposes, in addition to its use for the construction of single-family residences, apartment houses, schools and churches.
9. That portion of Area "W" bounded on the north by the southern line of Sixty-Third Street Lane, as extended, on the east by the western line of Waters Avenue, on the south by the northern line of Sixty-Fifth Street and on the west by a line drawn parallel to the western line of Waters Avenue and one hundred fifty feet distant therefrom may also be used for the construction of commercial buildings; provided, that no building constructed in such area shall be used for the sale of alcoholic beverages or may be used as a funeral home or mortuary, or may be used for any business which would create unusual and obnoxious noises, odors or gases; and provided further, that any building erected in this area shall set back at least thirty-five feet from the western line of Waters Road. (12-1-50, § 1; 9-16-55, § 1.)

Sec. 38-126. Area "X".

All the land included within the following limits shall be known as Area "X":

That portion of Fitzgerald Ward in the city being bounded on the north by Sixty-Third Street, on the east by Montgomery Street, on the south by Sixty-Sixth Street and on the west by the corporate limits of the city.

Within Area "X" restrictions shall prevail as follows:

In Area "X", as above defined, no lots or portions of lots shall be used for commercial purposes nor shall any building or other improvements be erected or placed thereon for use as commercial buildings.

Nothing in this section shall be construed to prevent the continued use of any lots or buildings in such area, which, on the date of the adoption of this section [1] are actually in use for commercial purposes, and the same may continue to be used for such purposes; provided, that no business causing undue noises or smells or operating at late hours of the night shall be operated in such area.

Nothing in this section shall be construed to prevent the mayor and aldermen of the city from passing any ordinances regulating the types of commercial use to which any of the property in the subdivision may be put which is now used for commercial purposes. (7-24-53, § 1.)

Sec. 38-127. Area "Y".

All the land included within the following limits shall be known as Area "Y":

That portion of Groover Ward in the city bounded on the north by property of the board of public education for the County of Chatham, on the east by the west line of White Bluff Road, Bull Street, on the south by the north line of DeRenne Avenue and on the west by the east line of Montgomery Street.

Within Area "Y" restrictions shall prevail as follows:

Within such area residential and commercial buildings, schools, churches and public buildings may be erected, and commercial use may be made of such property, except that within such area no property or improvements may be used for barrooms, nightclubs, dance halls, junk yards, trailer camps or parks, wood or coal yards, laundry and dry-cleaning plants, funeral homes, public garages, automobile repair shops, stables, metal working plants, fertilizer plants, abattoirs, sawmills or other uses, which create unusually loud noises or emit unusually large quantities of smoke, fumes or gases. (9-4-53, § 1.)

Sec. 38-128. Area "Z".

All the land included within the following limits shall be known as Area "Z":

That portion of Wilson Ward in the city bounded on the north by Fifty-Ninth Street, on the east by Montgomery Street, on the south by Sixty-Third Street and on the west by the corporate limits of the city.

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1. July 24, 1953.

Within Area "Z" restrictions shall prevail as follows:

Within such area no buildings or lots may be used for commercial purposes other than buildings or lots now used for such commercial purposes, and no barrooms, package shops, nightclubs, dance halls, junk yards, trailer camps or parks, wood or coal yards, steam laundry and dry-cleaning plants, funeral homes, public garages, automobile repair shops, stables, metal working plants, fertilizer plants, abattoirs, sawmills or other uses, which create unusually loud noises or emit unusually large quantities of smoke, fumes or gases, shall be permitted anywhere within such area; and no intoxicating liquor, beer or wine shall be sold therein, excepting that those lots fronting on Montgomery Street, bounded on the north by Sixty-First Street and on the south by Sixty-Second Street may be used for commercial purposes other than those above listed. (10-16-53, § 1.)

Sec. 38-129. Area "AA".

All the land included within the following limits shall be known as Area"AA":

Beginning at a point on the southeast corner of Liberty Street and Pennsylvania Avenue and running east along the line of Liberty Street to a line between Josiah Tattnall Homes and Deptford Place; thence south along such line to the north line of a subdivision known as East Savannah; thence west along such north line to the west line of East Savannah and the east line of Josiah Tattnall Homes; thence south along such line between East Savannah and Josiah Tattnall Homes to the north line of Gwinnett Street; thence west along the north line of Gwinnett Street to the east line of Virginia Avenue; thence north along Virginia Avenue, so as to exclude Lots 222 and 223, to the north line of Gaston Street; thence west along the north line of Gaston Street to a line between Josiah Tattnall Homes and a subdivision known as Twickenham Terrace; thence north along such line to the south line of Jones Street; thence east along the south line of Jones Street to the east line of Pennsylvania Avenue; thence north along the east line of Pennsylvania Avenue to the south line of Liberty Street and the point of beginning.

Within Area "AA" restrictions shall prevail as follows:

Within Area "AA" only residences, apartments, hotels, churches and schools may be erected, except that that section of Zone "AA" on the north side of Gwinnett Street from Boundary Street on the

east to Virginia Avenue on the west, which section is more fully defined below and where a commercial area is hereby established.

The above commercial area shall have a depth of one hundred forty-five feet on the west side of Boundary Street, a depth of ninety feet on the east side of Wyoming Street and the north line of such area shall run parallel to the street just north of such section of the area. Such commercial area shall have a depth of ninety-two feet on west side of Wyoming Street and one hundred ten feet on the east line of Pennsylvania Avenue with a north line parallel to the street just north of such section. Such commercial area shall have a depth of two hundred twenty-five feet on the west side of Pennsylvania Avenue and a depth of two hundred thirty-seven feet on the east side of Virginia Avenue.

No building shall be erected on a lot having less than sixty feet frontage. (12-21-54, §§ 1 to 3.)

Sec. 38-130. Area "BB".

1. All the land included within the following limits shall be known as Area "BB":

Beginning at a point on the northwestern corner of Skidaway Road and DeRenne Avenue in the city, and running northwardly along the western boundary of Skidaway Road to the intersection of the southern boundary of Bee Road with the western boundary of Skidaway Road; thence in a northwestwardly direction down the southern side of Bee Road to a point where the southern side of Fifty-First Street Lane intersects the line between Lots 36 and 37, McClesky Tract; thence running southwardly along such line parallel to Hickory Street to the northern line of Sackville; thence eastwardly along such line to the line between Sackville and LaRoche Subdivision, lying between Honduras and Cuba Streets; thence in a southwardly direction down such line to the south side of Sixty-Second Street, Parnell Avenue; thence westwardly down the southern side of Sixty-Second Street, Parnell Avenue, to the west side of the Casey Canal right of way; thence in a southerly direction down the western boundary of the Casey Canal right of way to the southern boundary of the lands of Chatham County Memorial Hospital; and thence westwardly along that boundary to the point where the line of the eastern side of Live Oak Street extended intersects the southern boundary of the lands of the Chatham County Memorial Hospital; thence in a southerly direction down the eastern side of Live Oak Street to the northern side of G Street;

thence eastwardly along the northern side of G Street to the intersection of G Street with the eastern boundary of the abandoned right of way of the Isle of Hope streetcar line; thence southerly along the eastern boundary of such car line to the northern side of DeRenne Avenue; thence in an easterly direction down the northern side of DeRenne Avenue to the point of beginning.

2. There are excepted from the area herein zoned the following lots:

(a) Those eastern portions of Fleetwood Tracts 1 and 2, Roberson Ward, Chatham County, Georgia, located on the southwest corner of Bee Road and Skidaway Road, having a frontage of one hundred sixty-two and eleven hundredths feet on the west side of Skidaway Road and a depth westwardly of one hundred sixteen feet, and bounded on the north by Bee Road, east by Skidaway Road and south and west by the remaining portions of such tracts.

(b) Those two certain tracts or parcels of land situate, lying and being in Roberson Ward, and located respectively on the northwest corner of Skidaway Road and LaRoche Avenue and on the southwest corner of Skidaway Road and LaRoche Avenue, according to a map entitled: "Map of a portion of Lots 6, 7, 8, 9 and 10, Fleetwood Tract, located at the southwest and northwest corners of Skidaway Road and LaRoche Avenue, in Savannah, Georgia, according to a map by P. Sugden, dated May, 1919, recorded in M. B. 1, page 236, Chatham County Records", surveyed for Southern Union Insurance Company by Thomas and Hutton, Engineers, dated June, 1952, File 682-1, such portions of such lots being presently owned by Southern Union Insurance Company. Such parcels are also shown on a map recorded in the office of the clerk of the superior court in Plat Record Book "E", page 145. Such lots may be used for commercial purposes, other than funeral parlors, filling stations, milk establishments, dry-cleaning plants or dispensers of alcoholic beverages, which uses are prohibited.

3. Within Area "BB", the following land uses only shall prevail, except as provided in paragraph 2 above:

(a) Single-family detached residences.
(b) Apartment houses (two-story only).
(c) Noncommercial greenhouses.
(d) Noncommercial gardens.
(e) Public schools, public libraries, public parks, and playgrounds.
(f) Public utility substations or pumping stations.
(g) Public utility rights of way and lines.

(h) Hospitals for human care, except primarily mental cases.

(i) Churches.

4. Within Area "BB", the following restrictions on lot size and the locations of buildings thereon shall apply:

(a) Single-family residences shall not be built on a lot having less than sixty feet frontage nor lot area less than seven thousand two hundred square feet.

(b) Apartments containing two-family dwelling units or more shall be constructed on a lot area of not less than four thousand square feet, per dwelling unit, and a lot frontage or its equivalent of not less than eighty feet.

(c) No building shall be built within five feet of the lot line, including garages or outbuildings.

(d) On corner lots, no building, outbuilding or garage shall be erected within twenty feet of the side line of the lot nearest the street.

(e) No building shall be erected less than twenty feet from the front lot line, except in the case of single-family residences, where the average setback on developed lots located within one hundred feet on each side of such lot and within the same block and fronting on the same street as such lot, is less than the required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the developed lots.

The restrictions set out in paragraph 4 above do not apply to any subdivisions within the zoned area in which the size of lots and building sites were nonconforming at the time of the enactment of this section.[2] Neither do the restrictions set out in paragraph 3 above apply to any land within the zoned area on which nonconforming uses were established at the time of the enactment of this section. (10-26-56, §§ 1 to 5.)

Sec. 38-131. Fairfield Subdivision.

All the land comprised within Fairfield Subdivision is described as follows:

That certain subdivision in Roe Ward, Savannah, Chatham County, Georgia, as shown on the map of the City of Savannah and vicinity dated April 18, 1953, generally bounded as follows: On the north by Parnell Avenue, on the east by the right of way of the Casey Canal; on the south by lands of Chatham County

2. October 26, 1956.

Memorial Hospital and on the west by Waters Avenue. For a more complete description specific reference is hereby made to plat of such subdivision recorded in Subdivision Map Book A, Folio 42, in the office of the clerk of superior court, Chatham County, Georgia.

Within Fairfield Subdivision the following land uses shall prevail:

1. Only single-family residences will be allowed.

2. No buildings shall be used as apartments, churches, hospitals, schools, clinics or office buildings.

3. No temporary house or tent shall be erected on such land.

4. No mercantile business shall be carried on upon the land or in the buildings located on the land within such subdivision.

5. No buildings shall be built within five feet of the side lot line, nor shall any portion of any building be erected within twenty feet of the front lot line. On corner lots, no buildings, outhouses or garages shall be erected within twenty feet of the side line of the lot nearest the street.

(4-13-56, § 1.)

Sec. 38-132. Colonial Park area.

There is hereby established and created an area, within the corporate limits of the city, to be known as "The western side of Abercorn Street between Oglethorpe Avenue and Perry Street, fronting on Colonial Park.

Within such area, above described, the following restrictions shall prevail:

(1) Existing lot lines as to width and depth shall prevail and govern in the construction of any buildings or in the remodeling of buildings. A combination of existing lots shall be permissible.

(2) Within the boundaries mentioned aforesaid, only residences and/or office and residence buildings combined, apartment houses, hotels and churches may be erected and operated.

(Code 1945, § 63-125.)

Sec. 38-133. Blocks A, B, C and D of Woodmere Estates.

An area is hereby created in the city and shall include all the land included in the following limits, to-wit: Blocks A, B, C and D of the section now known as Woodmere Estates and as set out on a map approved by the Chatham County planning board, September

24, 1948, as recorded in Map Book A, Folio 133-134, and being bounded on the north by Sixtieth Street Lane, on the west by Abercorn Terrace Apartments, on the south by Sixty-Third Street and on the east by Habersham Street, and "Woodmere Park Area" now dedicated to the board of education of the city and Chatham County.

Within such area restrictions shall prevail as follows:

Block A. Any retail commercial structure not to exceed one story in height may be constructed thereon, except a grocery or meat market in which the retail selling area shall exceed fifty-four hundred square feet in dimension or any filling station, public garage, machine shop or places where intoxicating or alcoholic malt beverages are sold or consumed.

Blocks B, C and D. Any retail commercial structure, not to exceed one story in height, that complies with the Building Code of the city, may be constructed, erected, occupied and used on such premises. (5-5-50, § 1.)

Sec. 38-134. Area between Fortieth Street, Victory Drive, Habersham Street and East Broad Street; created; restrictions.

There is hereby created within the city a certain area described as follows:

All the land bounded on the north by Fortieth Street, on the south by Victory Drive, on the west by Habersham Street and on the east by East Broad Street is hereby zoned and restricted and the following restrictions shall prevail:

(a) No commercial structure shall be built or constructed thereon and only dwellings, apartments, homes or churches may be erected thereon.

(b) Such restriction shall not apply to any commercial structures which are now constructed or erected within such area. (4-21-50, § 1.)

Sec. 38-135. Restrictions on lots fronting Henry Street.

No business houses or structures for commercial enterprises shall be erected on the lots fronting on Henry Street, in the city, starting at a point two hundred seventy feet west of Atlantic Avenue on the north side of Henry Street; thence running eastwardly along

Henry Street to Live Oak Street, and from a point three hundred thirty feet west of Atlantic Avenue on the south side of Henry Street; thence running eastwardly to Ash Street. The lots in this area shall not be construed under this section as fronting on intersection streets.

The term "commercial enterprises" or "business houses" as used herein, shall not be construed so as to include hotels, hospitals or apartments.

Lot 27, Padleford Ward, Savannah, Georgia, is hereby excluded from the restrictions of this section so as to permit the erection on such lot of a house or structure to be used for commercial enterprise. (Code 1945, § 63-105; 9-19-47, § 1; 8-20-54, § 1.)

Sec. 38-136. Construction of bungalow on Lot 54, Hull Ward.

The erection of a bungalow on Lot 54, Hull Ward, on the north side of Waldburg Street, between Live Oak and Cedar Streets is permitted. (5-14-48, § 1.)

Sec. 38-137. Construction of dwelling house on Lot 59, Wright Ward.

The construction of a dwelling house on Lot 59, Wright Ward, on the north side of Fiftieth Street, between Barnard and Montgomery Streets is permitted. (5-14-48, § 1.)

Sec. 38-138. Operation of woodyards on Lots 66 and 97, Schley Ward.

The operation of woodyards on Lots 66 and 97, Schley Ward, between the Atlantic Coast Line tracts and Atlantic Avenue is permitted. (5-14-48, § 1.)

Sec. 38-139. Restrictions on lots fronting on Forsyth Park and Park Extension, Monterey Square and Jasper Square.

Only residences, apartments, churches, schools, hotels and hospitals shall be erected on lots fronting on Forsyth Park and Park Extension, Monterey Square and Jasper Square, as such lots appear upon the present official map of the city, except as to Lot 30, Gallie Ward, on which the construction of a one-story office build-

ing will be permitted, and except as to the south side of Park Avenue, between Bull Street and Drayton Street, where the following mercantile establishments and businesses will be permitted: Beauty parlors, antique shops, music stores, florist shops, millinery shops, ladies ready-to-wear shops, tailor shops, drugstores, gift shops, book stores, laundry pick-up stations, post office substations and washing machine rental service.

A funeral home may be built or operated and maintained on Lots 43, 46 and 47, Forsyth Ward, located on the southeast corner of Drayton and Hall Streets.

Lot Letter "B", Cuthbert Ward, may be used for an insurance business.

A building may be erected on Lot 32 and the western eight and four tenths feet of Lot 34, Gallie Ward, and such building may be used for business purposes and for use as a Union lodge hall, but such improvements shall not be over two stories in height.

There may be erected improvements to be used for commercial purposes upon Lots 9, 10, 11 and 12, Lloyd Ward. (Code 1945, § 63-106; 10-2-46, § 1; 12-12-52, § 1; 3-4-55, § 1; 5-11-56, § 1; 8-31-56, § 1; 10-11-56, § 1.)

Sec. 38-140. Exceptions of lot at Bull Street and Victory Drive.

All zoning restrictions on the tract of land hereinafter described be, and the same are hereby repealed, the tract being a strip of land in the city bounded on the north by Forty-Second Street, on the east by the eastern boundary of Lot 46, Southville Ward, on the south by Estill Avenue, now known as Victory Drive, and on the west by Bull Street, according to the present official map or plan of the city. (Code 1945, § 63-110.)

Sec. 38-141. Erection of gasoline and oil filling station on Lots 24 and 26, Southville Ward.

A gasoline and oil filling station may be erected on Lots 24 and 26, Southville Ward, according to the present map of the city. (Code 1945, § 63-109.)

Sec. 38-142. Operation of poolrooms, public garages, fruit stands, embalming rooms, funeral parlors or undertaking establishments prohibited in certain areas.

No person shall conduct, maintain or operate any poolroom, public garage, fruit stand, embalming room, funeral parlor or undertaking establishment on Thirty-Fourth, Thirty-Fifth and Thirty-Sixth Streets; on Thirty-Seventh Street between Bull and Lincoln Streets in the city; on Thirty-Seventh Street between DeSoto Avenue and Florence Street; and, on Thirty-Sixth Street between Bull and West Broad Streets in the city. (Code 1945, § 63-111.)

Sec. 38-143. Set-back requirement on east side of Paulsen Street from Fifty-First Street Lane to Fifty-Ninth Street.

All buildings erected on the east side of Paulsen Street from Fifty-First Street Lane to Fifty-Ninth Street are hereby required to be built at least five feet back from the eastern property line of Paulsen Street. (Code 1945, § 63-112.)

Sec. 38-144. Set-back requirement on Stiles Avenue from Gwinnett Street to Blun Avenue.

There is hereby created a building line or setback of twenty-five feet on both sides of Stiles Avenue extending from the south side of Gwinnett Street on the north to the south line of Blun Avenue, the corporate limits, on the south. It shall be unlawful for any person to erect any building or other structure, except a coping or fence on the property, within twenty-five feet of either side of Stiles Avenue. (3-5-54, § 1.)

Sec. 38-145. Relieving Lot 183, McKenna Ward, from building restrictions.

The present[3] or future owners of Lot 183, McKenna Ward, shall be allowed to build on less than a sixty-foot frontage in accordance with plans and specifications filed the tenth day of November, 1937, with the city and approval by the mayor and aldermen. (Code 1945, § 63-113.)

3. November 10, 1937.

Sec. 38-146. Relieving Lots 109, 110 and 111, Canty Ward, from building restrictions.

The present[4] or future owners of Lots 109, 110 and 111, Canty Ward, shall be allowed to erect a four-unit apartment house on such lots. (Code 1945, § 63-114.)

Sec. 38-147. Restrictions on lots fronting Gaston Street from Drayton Street to eastern side of Lincoln Street, etc.

From and after the passage of this section,[5] only residences, apartments, churches, schools, hotels and hospitals shall be built or erected on lots fronting, as such lots appear upon the present official map of the city, on Gaston Street from Drayton Street to the east side of Lincoln Street, inclusive; also, on lots fronting on Abercorn Street from the northern side of Gaston Street to the southern side of Thirty-Eighth Street, inclusive; also, on lots facing on Lincoln Street from the northern side of Gaston Street to the southern side of Thirty-Eighth Street, inclusive; except, however, that area from the western side of Abercorn Street to the eastern side of Lincoln Street, between the northern side of Bolton Street to the southern side of Anderson Street.

(1) Lots 44, 45 and 48, Forsyth Ward, may be used for doctors' offices.

(2) There may be erected doctors' offices on Lot 18, Cumming Ward; provided, further, that before such improvements may be so used at least six parking spaces on such lot shall be established.

(3) There may be erected improvements which may be used for business and professional offices on Lot 28 and the eastern part of Lot 29, Thomas Ward; provided, further that before such improvements may be so used, room for three parking spaces of not less than one hundred eighty square feet each, in addition to the existing garage, shall be reserved for parking purposes, to be so established and used when the need arises. (Code 1945, § 63-115; 7-20-56, § 1; 9-28-56, § 1; 10-26-56, § 1.)

4. October 13, 1938.
5. May 13, 1936.

Sec. 38-148. Relieving the eastern 10.35 feet of Lot 2, all of Lot 3 and the western ten feet of Lot 4, McKenna Ward, from building restrictions.

From and after the passage of this section,[6] the eastern 10.35 feet of Lot 2, all of Lot 3 and the western ten feet of Lot 4, McKenna Ward, be and the same are hereby relieved from building restrictions as to building on less than sixty feet, and the present or future owners shall be allowed to erect a residence on such lots. (Code 1945, § 63-116.)

Sec. 38-149. Zoning restrictions on Lots 1, 2 and 3, Block "B", Harden Ward, removed.

The zoning restrictions upon Lots 1, 2 and 3, Block "B", Harden Ward, located on the southwest corner of Forty-First Street and Waters Avenue, as shown on the present official map of the city, are hereby removed so as to permit the erection of store buildings and mercantile establishments upon such lots to a depth of ninety feet westward from Waters Avenue. No store building or mercantile establishment erected on such lots shall front or have a main entrance on Forty-First Street. (Code 1945, § 63-117; 5-29-46, § 1.)

Sec. 38-150. Relieving Lots 23, 24 and 25, Schroder Ward, from building restrictions.

The present or future owners of lots 23, 24 and 25, Schroder Ward, shall be allowed to build a four-family apartment house on such three lots combined, in accordance with plans and specifications filed with and approved by the mayor and aldermen, November 10, 1937. (Code 1945, § 63-118.)

Sec. 38-151. Prohibiting construction of bungalows on certain streets.

No bungalow will be permitted to be built on Moore Avenue, north of Thirty-First Avenue, on Anderson Avenue and west of Virginia Avenue on Henry Avenue, Kentucky Avenue, Georgia Avenue and Thirty-First Avenue, and on Edgewood Road, south

6. July 1, 1940.

and west of Gordon Avenue, and on Garrard Avenue. (Code 1945, § 63-119.)

Sec. 38-152. Relieving eastern 19.4 feet of Lots 67, 68 and 69, and the western 5.6 feet of Lot 70, Schroder Ward, from building restrictions.

The present or future owner of the eastern 19.4 feet of Lots 67, 68 and 69, and the western 5.6 feet of Lot 70, Schroder Ward, shall be allowed to erect a four-unit apartment house on such lots. (Code 1945, § 63-120.)

Sec. 38-153. Relieving Lot 62, Garrard Ward, from building restrictions.

The present or future owner of Lot 62, Garrard Ward, shall be allowed to erect buildings up to a line twenty feet from the curved portion of Atlantic Avenue, circling Baldwin Park. (Code 1945, § 63-121.)

Sec. 38-154. Relieving Lot 61, Garrard Ward, from building restrictions.

The present or future owner of Lot 61, Garrard Ward, shall be allowed to erect buildings up to a line twenty feet from the curved portion of Atlantic Avenue, circling Baldwin Park. (Code 1945, § 63-122.)

Sec. 38-155. Permitted location of garage apartments.

Garage apartments can only be built on the back end of a building site and shall not extend more than one-third of the depth of the lot from the back line of such lot. There must be a setback of eighteen inches from the adjoining property lines on either side of the building. Where there is no lane on the rear of the property, there must be a setback of eighteen inches from the rear property line. Garages and interior stairways to the upper floor shall be constructed to comply with fire regulations. (Code 1945, § 63-124.)

Sec. 38-156. Size of grocery or green grocery stores within certain area of city.

No grocery store or green grocery store, having a floor space of more than three thousand square feet, shall be erected, constructed, maintained or operated south of the southern side of Liberty Street in the city; provided, however, that this restriction shall not apply to any grocery store or green grocery store now operated and licensed by the mayor and aldermen of the city. (Code 1945, § 28-101.)

Sec. 38-157. Removal of restrictions on Lots 183, 184, 185 and 186 of Rourk Ward for commercial purposes.

The present restrictions on Lots 183, 184, 185 and 186, Rourk Ward, Boulevard Park Subdivision, now prohibiting the construction and erection of commercial structures thereon and restricting the use thereof for commercial purposes be, and the same is hereby withdrawn, and the provisions of this chapter now restricting the erection and construction of structures for commercial purposes and the use thereof for such purpose is amended so that hereafter such lots can be used and structures erected thereon for any commercial purpose. (5-19-50, § 1.)

Sec. 38-158. Construction of two-car garage on Lot 49, Gill Ward.

The zoning laws with reference to that area of the city lying between Sixtieth Street Lane and DeRenne Avenue and between White Bluff Road and Waters Avenue shall be amended so as to provide that one two-car garage may be built on that part of Lot 49, Gill Ward, located on the southeast corner of Reynolds Street and Sixty-Second Street, adjacent to Reynolds Street. (2-6-53, § 1.)

Chapter 38-2. Airfield Zoning.[7]

§ 38-201. Short title.
§ 38-202. Definitions.
§ 38-203. Zones generally.
§ 38-204. Height limits.
§ 38-205. Use restrictions.
§ 38-206. Nonconforming uses.
§ 38-207. Variances.
§ 38-208. Permits.
§ 38-209. Hazard marking and lighting.
§ 32-210. Administrative agency.
§ 38-211. Board of adjustment generally—Created; general powers and duties.
§ 38-212. Same—Composition.
§ 38-213. Same—Rules, meetings, minutes, etc.
§ 38-214. Appeals generally.
§ 38-215. Judicial review.
§ 38-216. Penalties.
§ 38-217. Conflicting regulations.

Sec. 38-201. Short title.

This chapter shall be known as the "Airfield Ordinance of the City of Savannah". (1-11-52, § 1.)

Sec. 38-202. Definitions.[8]

As used in this chapter, unless the text otherwise requires, the following words and phrases shall have the meanings herein ascribed to them:

Airfield. In this chapter, "airfield" means Hunter Air Force Base.

Flight hazard means any structure or natural growth or use of land which obstructs or restricts the airspace required for the safe flight of aircraft in landing, taking off or maneuvering at or in the vicinity of the airfield.

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7. For state law as to airport zoning generally, see Ga. Code Ann., ch. 11-4. As to authority of political subdivisions to adopt, administer and enforce airport zoning regulations, see Ga. Code Ann., § 11-404. As to aviation generally, see Tit. 8.

8. For similar state law, see Ga. Code Ann., § 11-402.

Landing area means that part of the airfield that is used or intended to be used for landing and taking off of aircraft.

Nonconforming use means any structure, natural growth or use of land which does not conform to the regulations prescribed in this chapter, or any amendment thereto, as of the effective date of such regulations.

Person means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

Structure means any object constructed or installed by man including, but without limitation, buildings, towers, smokestacks and overhead transmission lines. (1-11-52, § 2.)

Sec. 38-203. Zones generally.[9]

In order to carry out the purposes of this chapter, all of the land within the boundaries of the city and within fifty thousand feet of the established airfield reference point is hereby divided into height-limiting zones, boundaries of which and the heights applicable thereto are shown on the zoning plan for United States Air Force Base, Hunter Air Force Base, Savannah, Georgia, numbered 15-06-02 and dated 13 December, 1951. (1-11-52, § 3.)

Sec. 38-204. Height limits.[1]

Except as otherwise provided in this chapter, no structure or natural growth shall be erected, altered, allowed to grow or maintained in the height-limiting zones hereinafter described to a height in excess of the height specified therefor or established for such zone. For the purpose of this section, the following height limits are established for each of the height-limiting zones in question:

"A" Zone (East End), 27.7-227.7 Feet (Mean Sea Level)
"A" Zone (West End), 18.45-218.45 Feet (M. S. L.)

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9. For state law requiring that airport zoning regulations divide the area surrounding the airport into zones, see Ga. Code Ann., § 11-404.

1. For state law requiring airport zoning regulations to regulate and restrict the height to which structures and trees may be erected or allowed to grow, see Ga. Code Ann., § 11-404.

"B" Zone (East End), 287.7 Feet (M. S. L.)
"B" Zone (West End), 218.45 Feet (M. S. L.)
"C" Zone, 42.2-192 Feet (M. S. L.)
"D" Zone, 192 Feet (M. S. L.)
"E" Zone (East End), 227.7-542 Feet (M. S. L.)
"E" Zone (West End), 218.45-542 Feet (M. S. L.)
"F" Zone, 192-542 Feet (M. S. L.)
"G" Zone, 542 Feet (M. S. L.)
For 50,000 feet from airfield reference point.
(1-11-52, § 4.)

Sec. 38-205. Use restrictions.[2]

Nothwithstanding any other provisions of this chapter, no use may be made of land within any of the zones listed in the preceding section in such a manner as to create electrical interference with radio communication between the airfield and aircraft, make it difficult for flyers to distinguish between airfield lights and others, result in glare in the eyes of flyers using the airfield, impair visibility in the vicinity of the airfield or otherwise endanger the landing, taking off or maneuvering of aircraft. (1-11-52, § 5.)

Sec. 38-206. Nonconforming uses.

The regulations prescribed in sections 38-204 and 38-205 of this Code shall not be construed to require the removal, lowering or other change or alteration of any structure or natural growth not conforming to the regulations as of the effective date of this chapter,[3] or to otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter and was diligently prosecuted and completed within two years thereof. (1-11-52, § 6.)

Sec. 38-207. Variances.[4]

Any person desiring to erect any structure, increase the height

2. For state law requiring airport zoning regulations to specify the land uses permitted, see Ga. Code Ann., § 11-404.
3. The ordinance from which this chapter was derived was adopted and approved January 11, 1952.
4. For state law as to variances, see Ga. Code Ann., § 11-411.

of any structure, permit natural growth or use his property not in accordance with the regulations prescribed in this chapter may apply for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice and be in accordance with the spirit of this chapter. (1-11-52, § 7.)

Sec. 38-208. Permits.[5]

(1) *Future uses.* No material change shall be made in the use of land and no structure or natural growth shall be erected, altered, planted or otherwise established in any of the height-limiting zones specifically listed in this chapter, unless a permit therefor shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or natural growth would conform to the regulations prescribed in this chapter. If such determination is in the affirmative, the permit applied for shall be granted.

(2) *Existing uses.* Before any existing use, structure or natural growth may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted within any of the specified height-limiting zones, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of a flight hazard or permit a nonconforming use, structure or natural growth to be made or become higher or become a greater hazard to air navigation than it was on the effective date of this chapter[6] or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of an existing use, structure or natural growth shall be granted. (1-11-52, § 8.)

5. For state law as to permits, see Ga. Code Ann., § 11-410.
6. The ordinance from which this chapter was derived was adopted and approved January 1, 1952.

Sec. 38-209. Hazard marking and lighting.[7]

Any permit or variance granted under section 38-207 or section 38-208 of this Code may, if such action is considered advisable to effectuate the purposes of this chapter and reasonable in the circumstances, be so conditioned as to require the owner of the structure or natural growth in question to permit the city, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to aircraft pilots the presence of a flight hazard. (1-11-52, § 9.)

Sec. 38-210. Administrative agency.[8]

The director of public improvements is hereby designated the administrative agency charged with the duty of administering and enforcing the regulations prescribed by this chapter. The duties of the director shall include that of hearing and deciding all applications for permits under section 38-208 of this Code, but the director shall not have or exercise any of the powers or duties herein delegated to the board of adjustment. (1-11-52, § 11.)

Sec. 38-211. Board of adjustment generally[9] **— Created; general powers and duties.**

There is hereby created a board of adjustment to have and exercise the following powers:

(a) To hear and decide appeals from any order, requirement, decision or determination made by the city in the enforcement of this chapter;

(b) To hear and decide special exceptions to the terms of this chapter upon which such board may be required to pass by subsequent ordinance;

(c) To hear and decide specific variances under section 38-207 of this Code.

(1-11-52, § 12.)

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7. For state law as to obstruction markers and lights, see Ga. Code Ann., § 11-412.

8. For state law as to delegating to an administrative agency the duty to administer and enforce airport zoning regulations, see Ga. Code Ann., § 11-414.

9. For state law requiring airport zoning regulations to provide for a board of adjustment to have and exercise the powers enumerated in this section, see Ga. Code Ann., § 11-415.

Sec. 38-212. Same—Composition.[1]

The board of adjustment shall consist of the Savannah Airport Commission. (1-11-52, § 12.)

Sec. 38-213. Same—Rules, meetings, minutes, etc.[2]

The board of adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other time as the board may determine. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All hearings of the board shall be public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of the examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record. (1-11-52, § 12.)

Sec. 38-214. Appeals generally.[3]

(1) Any person aggrieved or taxpayer affected by any decision of the director of public improvements made in the administration of this chapter, if of the opinion that a decision of the director of public improvements is an improper application of this chapter, may appeal to the board of adjustment.

(2) All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the board, by filing with the director of public improvements and with the board a notice of appeal, specifying the grounds thereof. The director of public improvements shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the director of public improvements certifies to the board, after the notice of appeal has been filed with it, that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

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1. For state law as to composition of board of adjustment, see Ga. Code Ann., § 11-416.

2. For similar state law, see Ga. Code Ann., § 11-417.

3. For similar state law, see Ga. Code Ann., § 11-418.

In such case, proceedings shall not be stayed otherwise than by order of the board on notice to the director of public improvements and on due cause shown.

(4) The board shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(5) The board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and is necessary in the premises.

(6) The board shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this chapter.

(7) The concurring vote of a majority of the members of the board shall be sufficient to reverse any order, requirement, decision or determination of the director of public improvements, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to affect any variation in this chapter.
(1-11-52, § 10.)

Sec. 38-215. Judicial review.[4]

Any person aggrieved or taxpayer affected by any decision of the board of adjustment or the mayor and aldermen shall have the right to certiorari to the superior court of Chatham County, as provided by law. (1-11-52, § 13.)

Sec. 38-216. Penalties.[5]

Each violation of this chapter or of any regulation, order or ruling promulgated hereunder shall be punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days, or both such fine and imprisonment, and each day a violation continues shall be a separate offense. (1-11-52, § 14.)

4. For state law as to judicial review, see Ga. Code Ann., § 11-419.
5. For state law declaring the violation of an airport zoning regulation to be a misdemeanor, see Ga. Code Ann., § 11-9902.

Sec. 38-217. Conflicting regulations.

Where this chapter imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation, the provisions of this chapter shall govern. (1-11-52, § 15.)

Chapter 38-3. Airport Zoning.[6]

§ 38-301. Short title.
§ 38-302. Definitions.
§ 38-303. Zones generally.
§ 38-304. Height limits.
§ 38-305. Use restrictions.
§ 38-306. Nonconforming uses.
§ 38-307. Variances.
§ 38-308. Permits.
§ 38-309. Hazard marking and lighting.
§ 38-310. Administrative agency.
§ 38-311. Board of adjustment generally—Created; general powers and duties.
§ 38-312. Same—Composition.
§ 38-313. Same—Rules, meetings, minutes, etc.
§ 38-314. Appeals generally.
§ 38-315. Judicial review.
§ 38-316. Penalties.

Sec. 38-301. Short title.

This chapter shall be known and may be cited as the "Airport Zoning Ordinance of Savannah". (10-17-52, § 2.)

Sec. 38-302. Definitions.[7]

Unless the context otherwise requires, the following words, as used in this chapter, shall have the meanings herein ascribed to them:

Airport means Travis Field, Savannah Municipal Airport.

6. For state law as to airport zoning generally, see Ga. Code Ann., ch. 11-4. As to authority of political subdivisions to adopt, administer and enforce airport zoning regulations, see Ga. Code Ann., § 11-404. As to aviation generally, see Tit. 8.
7. For similar state law, see Ga. Code Ann., § 11-402.

Airport hazard means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or which is otherwise hazardous to such landing or taking off of aircraft.

Landing area means the area of the airport used for the landing, taking off or taxiing of aircraft.

Nonconforming use means any structure, tree or use of land which does not conform to a regulation prescribed in this chapter, or an amendment thereto, as of the effective date of such regulation.

Person means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

Structure means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines.

Tree means any object of natural growth. (10-17-52, § 3.)

Sec. 38-303. Zones generally.[8]

In order to carry out the purpose of this chapter, all of the land within the boundaries of Travis Field, Savannah Municipal Airport, and within two miles of the landing area of the airport, within or without the corporate limits of the county, is hereby divided into airport approach zones and airport turning zones. The inner area of the airport approach zones is shown on the Airport Approach Standards Map. The turning zones and the outer area of the airport approach zones are that area within two miles of the boundaries of the landing area and the inner area of the airport approach zones. (10-17-52, § 4.)

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8. For state law prescribing that airport zoning regulations shall divide the area surrounding the airport into zones, see Ga. Code Ann., § 11-404.

Sec. 38-304. Height limits.[9]

Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow or maintained in any airport approach zone or airport turning zone to a height in excess of the height limit herein established for such zone. For the purposes of this section, the following height limits are hereby established for each of the zones in question:

Inner area airport approach zones. As shown on the map referred to in the preceding section.

Outer area airport approach zones. One hundred and fifty feet above the elevation of the boundaries of the airport landing areas.

Turning zones. One hundred and fifty feet above the elevation of the boundaries of the airport landing area. (10-17-52, § 5.)

Sec. 38-305. Use restrictions.[1]

Notwithstanding any other provisions of this chapter, no use may be made of land within any airport approach zone or airport turning zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, take off or maneuvering of aircraft. (10-17-52, § 6.)

Sec. 38-306. Nonconforming uses.

The regulations prescribed in sections 38-304 and 38-305 of this Code shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter[2] or to otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any

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9. For state law requiring that airport zoning regulations restrict the height to which structures and trees may be erected or allowed to grow, see Ga. Code Ann., § 11-404.

1. For state law requiring that airport zoning regulations specify the land uses permitted, see Ga. Code Ann., § 11-404.

2. The ordinance from which this chapter derived was adopted and approved October 17, 1952.

change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter and was diligently prosecuted and completed within two years thereof. (10-17-52, § 7.)

Sec. 38-307. Variances.[3]

Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree or use his property not in accordance with the regulations prescribed in this chapter may apply for a variance therefrom. Such a variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice and be in accordance with the spirit of this chapter. (10-17-52, § 8.)

Sec. 38-308. Permits.[4]

(1) *Future uses.* No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any airport approach zone or airport turning zone, unless a permit therefor shall have been applied for and granted. Each application shall indicate the purpose for which it is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this chapter. If such determination is in the affirmative, the permit applied for shall be granted.

(2) *Existing uses.* Before any existing use, structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted within any airport approach zone or airport turning zone, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this chapter[5] or than it

3. For state law as to variances, see Ga. Code Ann., § 11-411.
4. For state law as to permits, see Ga. Code Ann., § 11-410.
5. The ordinance from which this chapter derived was adopted and approved October 17, 1952.

is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of an existing use, structure or tree shall be granted. (10-17-52, § 9.)

Sec. 38-309. Hazard marking and lighting.[6]

Any permit or variance granted under section 38-307 or 38-308 of this Code may, if such action is deemed advisable to effectuate the purposes of this chapter and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. (10-17-52, § 10.)

Sec. 38-310. Administrative agency.[7]

The director of public improvements is hereby designated the administrative agency charged with the duty of administering and enforcing the regulations prescribed by this chapter. The duties of the director of public improvements shall include that of hearing and deciding all applications for permits under section 38-308 of this Code, but the director of public improvements shall not have or exercise any of the powers or duties herein delegated to the board of adjustment.

Sec. 38-311. Board of adjustment generally—Created; general powers and duties.

There is hereby created a board of adjustment to have and exercise the following powers:

(a) To hear and decide appeals from any order, requirement, decision or determination made by the city in the enforcement of this chapter;

(b) To hear and decide special exceptions to the terms of this chapter upon which such board may be required to pass by subsequent ordinance;

6. For state law as to obstruction markers and lights, see Ga. Code Ann., § 11-412.
7. For state law as to delegating to an administrative agency the duty to administer and enforce airport zoning regulations, see Ga. Code Ann., § 11-414.

(c) To hear and decide specific variances under section 38-307 of this Code.

Sec. 38-312. Same—Composition.[8]

The board of adjustment shall consist of the Savannah Airport Commission.

Sec. 38-313. Same—Rules, meetings, minutes, etc.[9]

The board of adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All hearings of the board shall be public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of the examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

Sec. 38-314. Appeals generally.[1]

(1) Any person aggrieved or the taxpayer affected by any decision of the director of public improvements made in the administration of this chapter, if of the opinion that a decision of the director of public improvements is an improper application of this chapter, may appeal to the board of adjustment.

(2) All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the board, by filing with the director of public improvements and with the board a notice of appeal specifying the grounds thereof. The director of public improvements shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the director of public improvements

8. For state law as to composition of board of adjustment, see Ga. Code Ann., § 11-416.
9. For similar state law, see Ga. Code Ann., § 11-417.
1. For similar state law, see Ga. Code Ann., § 11-418.

certifies to the board, after the notice of appeal has been filed with it, that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order of the board on notice to the director of public improvements and on due cause shown.

(4) The board shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(5) The board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and is necessary in the premises.

(6) The board shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this chapter.

(7) The concurring vote of a majority of the members of the board shall be sufficient to reverse any order, requirement, decision or determination of the director of public improvements, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to affect any variation in this chapter.

Sec. 38-315. Judicial review.[2]

Any person aggrieved or taxpayer affected by any decision of the board of adjustment or the mayor and aldermen shall have the right to certiorari to the superior court of Chatham County, as provided by law.

Sec. 38-316. Penalties.[3]

Any person violating any provision of this chapter shall be

2. For state law as to judicial review, see Ga. Code Ann., § 11-419.
3. For state law making violations of airport zoning regulations misdemeanors and prescribing that each day a violation continues shall constitute a separate offense, see Ga. Code Ann., § 11-9902.

subject to a fine not to exceed one hundred dollars or imprisonment not to exceed thirty days, or both, in the discretion of the court, in the event of conviction in the police court or any court having jurisdiction thereof, and each day's violation shall be considered a separate offense. (10-17-52, § 11.)

Index

A

ABANDONMENT.
Iceboxes and other containers, § 24-121.
Police.
Sale of unclaimed property, § 27-104.
Wells, § 37-408.

ABATTOIR.
Meat and meat products.
Establishments.
See Meat and Meat Products.

ACCIDENTS.
Motor vehicles and traffic.
Violations where accident has happened, § 22-155.
Wreckers near, § 22-142.

ACETYLENE GENERATING APPARATUS.
Installation and use, § 14-110.

ACTIONS.
City Court, char., §§ 1-5109 to 1-5120.
See Courts.
Municipal Court, char., §§ 1-547 to 1-551.
See Courts.
Taxicabs and other vehicles for hire.
Insurance.
Right of action, § 33-306.

ADVERTISING.
Alcoholic beverages.
Application for new alcoholic beverage license.
Transfer, § 5-103.
Appropriations for advertising city, char., § 1-137.
Banners attached to trees and poles prohibited, § 4-104.
Billboards. See within this title, "Signs and billboards."
Bridges.
Signs and billboards prohibited in Savannah high level bridge area, § 4-201.

ADVERTISING—Cont'd
Buildings.
For sale or for rent.
Permit, § 4-209.
Signs on.
Consent of owner required, § 4-103.
Prohibited, § 4-103.
Cemeteries.
Prohibited, § 10-147.
Removal of notices or signs, § 10-157.
Wires, boards, etc., prohibited, § 10-156.
Circulars, bills, etc.
Delivered to door or residence.
Required, § 4-107.
Deposit on private property or vacant lots.
Generally, § 4-106.
Prohibited, § 4-106.
Distribution on streets prohibited, § 4-108.
City.
Appropriations for advertising city, char., § 1-137.
Electricity.
Signs, § 4-210.
Fences.
Signs on.
Consent of owner required, § 4-103.
Handbills. See within this title, "Circulars, bills, etc."
Motor vehicles and traffic.
Permit to park vehicles for advertising purposes.
Exception, § 4-101.
Required, § 4-101.
Permits.
Park vehicles for advertising purposes.
Exception, § 4-101.
Required, § 4-101.
Signs and billboards, §§ 4-203 to 4-208. See within this title, "Signs and billboards."
Poles and wires.
Banners, placards, etc., not to be attached to, § 4-104.
Purchases and contracts.
Procedure, char., § 1-216.

ADVERTISING—Cont'd
Sales.
Signs advertising business on same premises and "for sale" signs, § 4-209.
Signs and billboards.
Abandoned signs, § 4-214.
Advertising business on same premises and "for sale" signs, § 4-209.
Signs and billboards.
Cemeteries.
Removal of notices or signs, § 10-157.
Wires, boards, etc., prohibited, § 10-156.
Dangerous signs, § 4-213.
Electricity.
Sign installations, §§ 4-210, 13-181 to 13-187.
See Electricity.
Pawnbrokers, § 25-103.
Permits.
Application.
Approved by city manager, § 4-205.
Generally, § 4-204.
Publication of notice, § 4-206.
Issuance.
Conditions for area adjacent to Bay Street Viaduct, § 4-208.
Generally, § 4-207.
Required, § 4-203.
Posts, § 4-211.
Savannah high level bridge area.
Prohibited in, § 4-201.
Suspension from buildings, § 4-212.
Victory Drive.
Prohibited on portion of, § 4-202.
Exceptions, § 4-202.
Walls, houses and fences.
Prohibited on, § 4-103.
Streets and sidewalks.
Banners prohibited, § 4-102.
Distribution of circulars, bills, etc., prohibited, § 4-108.
Prohibited to be painted on, § 4-105.
Trees and shrubs.
Banners, placards, etc., not to be attached to, § 4-104.

ADVERTISING—Cont'd
United States.
Exception as to permit for vehicles used by the federal government in defense effort, § 4-101.
Victory Drive.
Prohibited on portion of, § 4-202.
Exceptions, § 4-202.

AGRICULTURE.
Peddlers of farm and orchard products, §§ 15-401 to 15-409.
See Peddlers of Farm and Orchard Products.

AIRCRAFT AND AIRPORTS.
See Aviation.

ALCOHOLIC BEVERAGES.
Advertising.
Application for new alcoholic beverage license.
Transfer, § 5-103.
Churches.
Sales near prohibited, § 5-114.
Dealers.
Registration card, § 5-105.
Doors to be unlocked during business hours, § 5-121.
Drunkenness.
Public drunkenness, § 24-132.
Employees.
Notice upon termination of employment with dealer, § 5-107.
Registration card, § 5-106.
Licenses.
Advertisement, § 5-103.
Application.
Accompanied by fee, § 5-102.
Approval, § 5-101.
One person not to have more than two licenses, § 5-104.
Possession of beverages, etc., not covered by license, § 5-119.
Motor vehicles and traffic.
Set ups not to be delivered to or used in automobiles, § 5-118.
Premises.
Doors to be unlocked during business hours, § 5-121.

ALCOHOLIC BEVERAGES — Cont'd
Registration.
Dealer's registration card, § 5-105.
Employee's registration card, § 5-106.
Sales.
At other than licensed premises.
Prohibited, § 5-115.
Churches.
Sale near prohibited, § 5-114.
Curb service prohibited, § 5-117.
Exception, § 5-117.
In buildings abutting lanes and on second story prohibited, § 5-116.
Prohibited if taxes not paid, § 5-111.
Schools.
Sale near prohibited, § 5-114.
Sunday sales prohibited, § 5-113.
Schools.
Sales near prohibited, § 5-114.
Streets and sidewalks.
Obstructing vision from sidewalk into place of business, § 5-120.
Sundays and holidays.
Sales prohibited on Sunday, § 5-113.
Taxation.
Computation of tax, § 5-108.
Keeping of records, collection of taxes, etc.
By wholesalers of beer and wine, § 5-109.
By wholesalers of liquor, § 5-110.
Payment of tax, § 5-108.
Possession by retailers prohibited unless taxes paid, § 5-112.
Sale prohibited if taxes not paid, § 5-111.

ALDERMEN.
Council.
See Council.

AMUSEMENTS.
See Public Amusements.

ANIMALS AND FOWL.
Birds.
Protection, § 6-103.
Cruelty to animals and fowl.
Generally, § 6-104.
Dead animals.
Deposit in streets, lanes, etc. Prohibited, § 6-112.
Removal by scavenger department, § 6-111.
Report to scavenger department, § 6-110.
Departments.
Scavenger department.
Removal of dead animals, §§ 6-110, 6-111.
Dogs, §§ 6-201 to 6-209.
See Dogs.
Health and sanitation.
Animal hospitals, etc.
Inspection and sanitary installations, § 6-109.
Sanitary facilities required where animals and fowl are kept, § 6-106.
Hogs.
Keeping prohibited, § 6-102.
Hospitals and kennels.
Inspection, § 6-109.
Location near dwellings, § 6-108.
Sanitary installations, § 6-109.
Meat establishments.
Inspection, § 15-323.
Inspection of animals at stockyards, § 15-317.
Live poultry to be kept separate, § 15-328.
Pets prohibited, § 15-320.
Possession, sale, etc., of animals unfit for human consumption, § 15-325.
Unloading, etc., of animals at slaughterhouses, § 15-322.
Nuisances.
Sanitary facilities where animals and fowl are kept, § 6-106.
Public place.
Livestock and fowl not to be kept in, § 6-101.
Running at large.
Livestock and fowl not to run at large or kept in public place, § 6-101.

ANIMALS AND FOWL—Cont'd
Squirrels.
Killing or injuring prohibited, § 6-105.
Stable litter, etc.
Removal, § 6-107.
Streets and sidewalks.
Dead animals.
Deposit in prohibited, § 6-112.
Livestock and fowl not to be kept in, § 6-101.

ANNEXATION.
Sewerage service beyond city limits.
Title to equipment used in making connection passes to city where property annexed, § 37-508.

APARTMENT.
Defined, § 37-212.

APPEALS.
Bill of exception.
Court of appeals or supreme court, char., § 1-573.
Bonds.
Supersedeas bonds.
Forfeiture, § 2-109.
Certiorari.
From police court, § 2-109; char., § 1-523.
Electricity.
Certificate of competency.
Revocation and suspension, § 13-131.
Refusal of board of electrical examiners to grant certificate of competency.
Applicant's right of appeal or certiorari, § 13-118.
Municipal Court.
Bill of exception to court of appeals or supreme court, char., § 1-573.
Right of appeal to jury, char., § 1-558.
Costs, char., § 1-566.
To superior court, char., § 1-572.
Police court, char., § 1-522.
Sewers.
Property owner's right of appeal, char., § 1-2110.

APPEALS—Cont'd
Taxation.
Board of tax appeals, §§ 32-301 to 32-312.
See Taxation.
Zoning.
Airfield zoning, § 38-214.
Airport zoning, § 38-314.

APPROPRIATIONS.
Advertising.
Appropriations for advertising city, char., § 1-137.
Airports, char., § 1-1201.
Armstrong College of Savannah commission, § 7-101; char., § 1-310.
Bacon Park, char., § 1-1323.
Charity.
Generally, § 1-139.
Educational purposes, char., § 1-601.
Ferries, char., § 1-904.
Hospitals, char., § 1-1703
Receiving charity patients, char., § 1-140.
Insurance.
Old age and survivor's insurance, § 3-125.
Stadium.
Municipal stadium, char., § 1-1301.

ARBITRATION.
Harbor and port of Savannah.
Disputes, § 18-125.

ARMSTRONG COLLEGE.
Appropriations, § 7-101; char., § 1-310.
Authority to establish and operate junior college, char., § 1-602.
Commission.
Composition, char., § 1-303.
Cooperation with board of education, etc., § 7-102.
Estimates, reports, etc., required, char., § 1-311.
Generally, char., § 1-302.
Incorporation, char., § 1-310.
Powers.
Generally, char., § 1-309.
Proceedings, etc.
Mayor to have access to, char., § 1-313.
Quorum, char., § 1-307.
Reappointment, char., § 1-306.

ARMSTRONG COLLEGE — Cont'd
Commission—Cont'd
Records, proceedings, etc.
Mayor to have access to, char., § 1-313.
Regulations, char., § 1-312.
Reports.
Required, char., § 1-311.
Submitted, § 7-103.
Rules and regulations, char., § 1-312.
Secretary, char., § 1-308.
Submit estimates and reports, § 7-103.
Terms of members, char., § 1-304.
Vacancies, char., § 1-305.
Junior college.
Power of city to establish and operate, char., § 1-602.
Name, char., §§ 1-301, 1-302.
Rules and regulations, char., § 1-312.

ARREST.
Appearance bond or deposit of arrested persons, § 2-107.
Detention of arrested persons, § 2-106.
Fire marshal.
Power to make arrest, char., § 1-126.

ATTACHMENT AND GARNISHMENT.
City courts, char., § 1-5115.
Issuance by clerk, char., § 1-598.
Municipal Court, char., §§ 1-549, 1-550.

ATTORNEY.
City attorney, §§ 3-401 to 3-411.
See City Attorney.

AUCTIONS.
City property.
Sale.
Generally, § 3-104.

AUDITOR.
Internal auditor.
Power of city manager, char., § 1-225.

AUDITORIUM.
Fire protection.
Smoking in auditorium and other places of assembly, § 14-122.
Manager.
Power of city manager, char., § 1-225.

AUTHORITY.
Harbor and port of Savannah, char., §§ 1-1901 to 1-1924.
See District Authority.

AUTOPSIES.
Notice of, § 29-120.

AVIATION.
Acrobatic flying.
Prohibited, § 8-101.
Airports.
Appropriations, char., § 1-1201.
Commission.
Administration of improvement, maintenance, etc., of airports, char., § 1-1214.
Appointment, char., § 1-1208.
Reappointment of members, char., § 1-1209.
Budget, char., § 1-1217.
Composition, char., § 1-1207.
Constitutes body corporate and politic, char., § 1-1206.
Created, char., § 1-1205.
Duties, char., § 1-1213.
Nature of, char., § 1-1218.
Eminent domain, char., § 1-1216.
Federal aid.
Receipt of, char., § 1-1220.
Functions.
Nature of, char., § 1-1218.
Legal services, char., § 1-1215.
Meetings, char., § 1-1212.
Officers, char., § 1-1210.
Powers, char., § 1-1213.
Eminent domain, char., § 1-1216.
Qualifications, char., § 1-1211.
Rights in airport property, char., § 1-1219.
State aid.
Receipt of, char., § 1-1220.

AVIATION—Cont'd
Airports—Cont'd
Commission—Cont'd
Statement.
Annual statement, char., § 1-1217.
Taxation.
Not subject to, char., § 1-1221.
Terms, char., § 1-1208.
Condemnation, char., § 1-1202.
Establishment of authority, char., § 1-1201.
Fire protection, char., § 1-1204.
Ordinances.
Embrace, char., § 1-1203.
Police.
Jurisdiction, char., § 1-1203.
Protection, char., § 1-1204.
Regulations, char., § 1-1201.
Zoning, §§ 38-301 to 38-316.
See Zoning.
Dropping objects from aircraft prohibited, § 8-102.
Hunter Air Force Base.
Airfield zoning, §§ 38-201 to 38-217.
See Zoning.
Landing.
Designated landing field.
Required, § 8-104.
Use, § 8-105.
Licenses.
Aircraft to be licensed as airworthy, § 8-103.
Operation.
Acrobatic flying.
Prohibited, § 8-101.
Unreasonable operation of aircraft, § 8-106.
Taking off.
Designated landing field required, § 8-104.
Use of landing field required, § 8-105.
Travis Field, Savannah Municipal Airport.
Airport zoning, §§ 38-301 to 38-316.
See Zoning.
Zoning.
Airfield zoning, §§ 38-201 to 38-217.
See Zoning.

AWNINGS.
Streets and sidewalks.
Regulated, § 30-125.

B

BACON PARK, char., §§ 1-1321 to 1-1340.
See Parks and Recreation.

BAIL AND RECOGNIZANCE.
Appearance bond or deposit of arrested persons, § 2-107.
Police court.
Appearance bond when state law violated, char., § 1-524.
Authority of recorder or other presiding officer, char., § 1-515.
Forfeiture of bonds.
County cases, char., § 1-526.
Generally, char., § 1-525.

BAILIFFS.
City court, char., § 1-5107.

BAKERIES.
Food and food establishments.
Delivery wagons, § 15-212.
Generally.
See Food and Food Establishments.

BALLOONS.
Fire protection.
Sale and use of fire balloons prohibited, § 14-113.

BANKS AND TRUST COMPANIES.
Checks and vouchers.
Signatures accepted, § 3-109.
Taxation.
Taxes on capital.
Computation, § 32-113.
Levy, § 32-112.

BARBED WIRE.
Streets and sidewalks.
Prohibited, § 30-128.

BASINS.
Water.
Ponds and basins unlawful in city limits, § 37-104.

BEGGING.
Prohibited, § 24-101.

BICYCLES.
Junk and secondhand goods.
Bill of sale, § 20-122.
Inspection by police, § 20-121.

BICYCLES—Cont'd
Junk and secondhand goods—Cont'd
Purchase or exchange prohibited if serial number tampered with, § 20-123.
Report of purchases and exchange of used bicycles, § 20-119.
Retention, § 20-120.
Lights, § 22-145.
Multiple riders, § 22-146.
Parking space on Byran Street, § 22-147.
Riders not to hold onto other vehicles, § 22-143.
Sidewalks.
Riding on, § 22-144.

BILLBOARDS.
Signs and billboards.
See Advertising.

BILLIARD PARLORS, §§ 28-118 to 28-122.
See Poolrooms.

BOARDINGHOUSES.
Food establishments.
Exception, § 15-201.
Use for immoral purposes, § 24-120.

BOARDS AND COMMISSIONS.
Airfield zoning.
Board of adjustments, §§ 38-211 to 38-213.
See Zoning.
Airport commissions, char., §§ 1-1205 to 1-1221.
See Aviation.
Airport zoning, §§ 38-311 to 38-313.
See Zoning.
Aldermen.
See Council.
Armstrong College, char., §§ 1-302 to 1-313.
See Armstrong College.
Bacon Park commission, char., §§ 1-1325 to 1-1340.
See Parks and Recreation.
Boxing commission, §§ 28-204 to 28-213.
See Boxing.

BOARDS AND COMMISSIONS—Cont'd
Bridge commission, char., §§ 1-2001 to 1-2007.
See Bridges.
Civil service board, char., § 1-402.
District authority, char., §§ 1-1901 to 1-1924.
See District Authority.
Education.
Board of public education, char., §§ 1-603 to 1-623.
See Education.
Electrical examiners, §§ 13-107 to 13-118.
See Electricity.
Historic site and monument commission, char., §§ 1-1801 to 1-1813.
See Historic Site and Monument Commission.
Industrial and domestic water supply commission, § 37-235; char., §§ 1-2509 to 1-2518.
See Water.
Libraries.
Carnegie Library, §§ 3-1201 to 3-1204.
See Library.
Public library, §§ 3-1101 to 3-1107.
See Library.
Park and tree commission, char., §§ 1-1304 to 1-1320.
See Parks and Recreation.
Planning commission, char., §§ 1-1606 to 1-1619.
See Zoning.
Plumbing.
Board of plumbing examiners, §§ 26-102, 26-318.
Public education, char., §§ 1-603 to 1-623.
See Education.
Purchases.
Board of purchase, char., § 1-216.
Recreation commission, §§ 3-1001 to 3-1009; char., § 1-1303.
See Parks and Recreation.
Reports.
To city manager, char., § 1-227.
Sinking fund, §§ 3-1302 to 3-1312.
See Sinking Fund.

BOARDS AND COMMISSIONS—Cont'd
Taxation.
Board of tax appeals, §§ 32-301 to 32-312.
See Taxation.
Board of tax assessors, §§ 32-201 to 32-214.
See Taxation.
Water.
Industrial and domestic water supply commission, § 37-235; char., §§ 1-2509 to 1-2518.
See Water.

BONAVENTURE.
Water.
Charges to consumers in, char., § 1-2506.

BOND ISSUES.
Canceled.
City treasurer.
Duties relative to bonds and coupons canceled, § 3-708.
Custodian.
Director of finance.
Unissued city bonds, § 3-606.
District authority.
Authority to make, char., § 1-1911.
Constitutional or statutory debt limit.
Not within, char., § 1-1913.
Not debt of city, char., § 1-1912.
Tax free, char., § 1-1913.
Validation, char., § 1-1914.
Sinking fund, §§ 3-1301 to 3-1312.
See Sinking Fund.
Treasurer.
Coupons.
Duties relative to, § 3-708.
Duties relative to, § 3-708.
Unissued city bonds.
Director of finance.
Custodian, § 3-606.

BONDS.
Appeal bonds.
Appeals from police court to City council, char., § 1-522.
Appearance bond.
Arrested persons, § 2-107.
Certiorari.
From police court, § 2-109.

BONDS—Cont'd
City manager, § 3-114.
Clerk.
City Court, char., § 1-5104.
Municipal Court, char., § 1-538.
Clerk of council, § 3-303.
Contracts and purchases.
Contractors to give security, § 11-104.
Electricity, § 13-105.
Excavations.
Streets and sidewalks, § 30-403.
Finance.
Director of finance, § 3-115.
Officers and employees.
Aldermen and officers not to be sureties, § 3-113.
Pawnbrokers, § 25-102.
Plumbing.
Inspector of plumbing, § 26-204.
Master plumbers, § 26-109.
Police.
Chief of police, § 27-203.
Police court.
Appearance bond when state law violated, char., § 1-524.
Bail.
Authority to admit to bail, char., § 1-515.
Forfeiture of bonds.
County cases, char., § 1-526.
Generally, char., § 1-525.
Supersedeas bonds.
Forfeiture, § 2-109.
Purchases.
Supervisor of purchases, § 11-201.
Sewerage service beyond city limits.
Required of property owner, § 37-505.
Sheriff.
City Court, char., § 1-5104.
Municipal Court, char., § 1-538.
Streets and sidewalks.
Excavations.
Required, § 30-403.
Taxation.
Board of tax assessors, § 32-206.
Treasurer, § 3-703.
Clerk, § 3-704.

BOOKS.
Amusement books.
Regulations, § 28-105.

BOUNDARIES.
Corporate.
See Corporate Limits.
Fire limits, § 9-208.
Town common, char., § 1-109.

BOWLING ALLEYS.
Close between midnight and 8:00 A. M., § 28-117.
Disorderly conduct in, § 28-122.

BOXING.
Approval of contest.
Application, § 28-202.
Denial, § 28-203.
Grant, § 28-203.
Required, § 28-201.
Commission.
Chairman, § 28-208.
Compensation, § 28-207.
Composition, § 28-205.
Created, § 28-204.
General authority, § 28-209.
Physician.
Appointment, § 28-210.
Duties, § 28-211.
Fees, § 28-211.
Removal, § 28-213.
Rules and regulations, § 28-212.
Terms, § 28-206.
Physicians and surgeons.
Appointment, § 28-210.
Fees, § 28-211.
Duties, § 28-211.
Rules and regulations.
Commission, § 28-212.

BRIDGES.
Advertising.
Signs and billboards prohibited in Savannah high level bridge area, § 4-201.
Bay Street Viaduct.
Signs and billboards.
Conditions for issuance of permit, § 4-208.
Causeways, char., § 1-2006.
Commission.
Aldermen.
As members, char., § 1-2004.
Appointment, char., § 1-2002.
Causeways.
Financing and location, char., § 1-2006.
Composition, char., § 1-2002.
Creation.
Authority, char., § 1-2001.

BRIDGES—Cont'd
Commission—Cont'd
Delegation of legislative authority, char., § 1-2007.
Employees, char., § 1-2005.
Financing, char., § 1-2006.
Location, char., § 1-2006.
Mayor.
Ex officio member, char., § 1-2003.
Officers, char., § 1-2005.
Purpose, char., § 1-2001.
Separate from council committees, char., § 1-2007.
Terms, char., § 1-2002.
Financing, char., § 1-2006.
Location, char., § 1-2006.
Talmadge Bridge.
No smoking on, § 18-212.
Sign posts and billboards prohibited in Savannah high level bridge area, § 4-201.

BUDGET.
Airport commission, char., § 1-1217.
City Manager.
Preparation, char., § 1-224.

BUILDING AND ENGINEERING.
City engineer.
Power of city manager, char., § 1-225.
Director.
Power of city manager, char., § 1-225.

BUILDINGS.
Advertising.
For sale or for rent.
Permit, § 4-209.
Signs on.
Consent of owner required, § 4-103.
Prohibited, § 4-103.
Code.
Adopted, § 9-201.
Amendments, § 9-210.
Corporate council.
Defined, § 9-202.
Definitions, § 9-202.
Fire limits, § 9-208.
Inspector. See within this title, "Inspector".
Permit.
Fees, § 9-209.

BUILDINGS—Cont'd
Construction.
Inspection, § 9-104.
Removal of debris after building or demolition operations, § 9-106.
Debris.
Removal, § 9-106.
Demolition.
Removal of debris after building or demolition operations, § 9-106.
Demountable buildings.
Permit, § 9-105.
Director of public improvements.
Building operations.
Powers and duties.
Generally, § 9-101.
General powers and duties, § 9-101.
Electricity, §§ 13-101 to 13-199.
See Electricity.
Fees.
Permit fees, § 9-209.
Fences.
Building.
Agreement to build, char., § 1-1401.
Notice of desire to build, char., § 1-1402.
Regulation.
Authority to regulate by ordinance, char., § 1-1404.
Repair.
Costs, char., § 1-1403.
Fire limits, § 9-208.
Fire protection.
Burning pitch, tar, etc., near.
Prohibited, § 14-121.
Demolition of buildings in vicinity of fires, § 14-114.
Heating.
Fuel oil tanks within street lines, §§ 30-105 to 30-109.
See Streets and Sidewalks.
Housing, §§ 19-101 to 19-163.
See Housing.
Inspection.
Construction, § 9-104.
Repair work, § 9-104.
Inspector.
Apointment, § 9-203.
Cooperation of other officials, § 9-206.
Duties.
Generally, § 9-205.

BUILDINGS—Cont'd
Inspector—Cont'd
Interest in sale or manufacture of materials.
Prohibited, § 9-204.
Power of city manager, char., § 1-225.
Qualifications, § 9-204.
Right of entry, § 9-207.
Minimum standards housing ordinance, §§ 19-101 to 19-163.
See Housing.
Moving houses through streets, § 30-110.
Numbering houses, §§ 30-301 to 30-306.
See Streets and Sidewalks.
Ordinances.
Fences.
Authority to regulate, char., § 1-1404.
Owner.
Defined, § 2-102.
Party walls.
Agreement to build, char., § 1-1401.
Authority to build, char., § 1-1402.
Notice of desire to build, char., § 1-1402.
Recordation.
Agreement, char., § 1-1401.
Regulations.
Authority to regulate by ordinance, char., § 1-1404.
Repair.
Costs, char., § 1-1403.
Permit.
Fees, § 9-209.
Generally, § 9-102.
Prefabricated or demountable buildings, § 9-105.
Required from council for erection of certain buildings, § 9-103.
Plumbing.
See Plumbing.
Prefabricated or demountable buildings.
Permit.
Building, § 9-105.
Public buildings.
Hours.
City office hours, § 3-101.

BUILDINGS—Cont'd
Public buildings—Cont'd
Streets and sidewalks.
Streets may be closed for purpose of erecting municipal buildings, char., § 1-2208.
Repair work.
Inspection, § 9-104.
Right of entry.
Director of public improvements, § 3-507.
Inspector, § 9-207.
Signs and billboards.
Suspension of signs from buildings.
Regulation, § 4-212.
Streets and sidewalks.
Throwing, etc., articles from upper stories.
Prohibited, § 30-124.
Tenant or occupant.
Defined, § 2-102.
Walls.
Party walls. See within this title, "Party walls."
Wiring.
See Electricity.

BURIALS.
Generally.
Interments.
See Cemeteries.
Metal vaults and wooden boxes.
Depth to be buried, § 29-117.
Time limit on, § 29-117.

BUSINESSES.
Keeper and proprietor.
Defined, § 2-102.

BUSSES.
Taxicabs and other vehicles for hire, §§ 33-401 to 33-410.
See Taxicabs and Other Vehicles for Hire.
Traffic expert.
Freight and passenger rates, char., § 1-1101.

C

CABINS.
Tourist camps, §§ 34-101 to 34-114.
See Tourist Camps, Roadhouses and Similar Places.

CAFES.
Food establishments, §§ 15-201 to 15-213.
See Food and Food Establishments.

CALCIUM CARBIDE.
Storage, § 14-106.
Transportation, § 14-106.

CAMPS.
Tourist camps, roadhouses and similar places, §§ 34-101 to 34-114.
See Tourist Camps, Roadhouses and Similar Places.
Trailer lots, camps and parks, §§ 35-101 to 35-114.
See Trailer Lots, Camps and Parks.

CARNEGIE LIBRARY.
Board of trustees, §§ 3-1201 to 3-1204.
See Library.

CARNIVALS.
Electricity.
Supervision of electrical installations, § 13-157.

CEMETERIES.
Advertising.
Prohibited, § 10-147.
Removal of notices or signs, § 10-157.
Wires, boards, etc., prohibited, § 10-156.
Avenues.
May be laid out and altered, § 10-117.
Obstruction, § 10-118.
Bonaventure Cemetery.
Greenwich Addition.
Dedication, § 10-161.
Mausoleums, § 10-163.
Approval of park and tree commission, § 10-165.
Construction, § 10-166.
Location generally, § 10-163.
Setback, § 10-164.
Perpetual care lots to be perpetuated in grass, § 10-162.
Lots.
Limit on sale, § 10-104.

CEMETERIES—Cont'd
Bonaventure Cemetery—Cont'd
Water.
Charges to consumers, char., § 1-2506.
Boxing material.
Accumulation, § 10-119.
Burials. See within this title, "Interments."
Charges.
Delinquent accounts, § 10-158.
Deposits.
Expenditure of water rent, etc., § 10-159.
Closing.
Authority, § 10-103.
Construction.
Delivery of construction material, § 10-130.
Contractors.
Improvement contractors to restore grade and sod, § 10-131.
Repair damaged roadways, monuments, etc., § 10-132.
Supervision, § 10-122.
Copings.
Foundations, § 10-128.
Damages.
Improvement contractors to restore grade and sod, § 10-131.
Injury to property generally, § 10-133.
Repair roadways, monuments, etc., § 10-132.
Definition, § 10-101.
Disinterments, § 10-110.
Disorderly conduct, § 10-143.
Fences.
Approved, § 10-120.
Fire protection.
Bonfires prohibited, § 10-153.
Fireworks.
Discharge prohibited, § 10-152.
Foundations.
Copings, § 10-128.
Monuments, § 10-127.
Funerals.
Public funerals prohibited in certain cases, § 29-118.
Garbage and trash.
Accumulation of boxing material prohibited, § 10-119.
Removal of refuse, § 10-155.

CEMETERIES—Cont'd
Grass.
Cutting, § 10-142.
Perpetual care lots to be perpetuated in grass.
Greenwich Addition to Bonaventure Cemetery, § 10-162.
Trespassing upon grassplats, § 10-150.
Graves.
Marking of location, § 10-113.
Order to open grave, § 10-114.
Greenwich Addition. See within this title, "Bonaventure Cemetery."
Health officer.
Burial orders, § 10-112.
Improvements.
Delivery of construction material, § 10-130.
Design, § 10-116.
Disposition of material when work suspended, § 10-136.
Soliciting work prohibited, § 10-149.
Storage of material, § 10-148.
Interments.
Burial orders, § 10-112.
Required, § 10-112.
Conveyance of certain bodies prohibited, § 29-119.
Depth metal vaults and wooden boxes to be buried, § 29-117.
Disinterments, § 10-110.
Notice of interments, § 10-111.
Opening grave.
Order, § 10-114.
Remuneration.
Lot owners not to allow interments for remuneration, § 10-109.
Time limit on burials, § 29-117.
Jurisdiction.
Park and tree commission, § 10-102.
Laurel Grove Cemetery.
Keeper, § 10-167.
Lots.
Limit on sale, § 10-104.
Nonresidents.
Burial, § 10-168.
Paupers.
Burial, § 10-169.

CEMETERIES—Cont'd
Laurel Grove Cemetery—Cont'd
Water.
Charges to consumers, char., § 1-2506.
Ledgerstones.
Generally, § 10-123.
Lots.
Care of lots service.
Delinquent accounts, § 10-158.
Contracts for care of cemetery lots, char., § 1-114.
Funds derived from sale of lots, § 10-105.
Deposit, § 10-105.
Investment, § 10-106.
Use, § 10-105.
Lines, § 10-115.
Owners not to allow interments for remuneration, § 10-109.
Perpetual care.
Greenwich Addition to Bonaventure Cemetery, § 10-162.
Remuneration.
Owners not to allow interments for remuneration, § 10-109.
Sales.
"For sale" signs prohibited, § 10-121.
Generally, § 10-104.
Transfer, § 10-107.
Trees and shrubs.
Right of lot owners to cultivate, § 10-138.
Trespass on, § 10-151.
Used only for burial of mankind, § 10-108.
Markers.
Removal.
Unauthorized, § 10-134.
Masonry or concrete work.
Exposed brickwork prohibited, § 10-129.
Mausoleums.
Greenwich Addition.
Bonaventure Cemetery, §§ 10-163 to 10-166. See within this title, "Bonaventure Cemetery".
Minors.
Children to be accompanied by parents or guardians, § 10-145.

CEMETERIES—Cont'd
Monuments.
Damages repaired by contractors, § 10-132.
Foundations, § 10-127.
Generally, § 10-123.
Marble or granite required, § 10-125.
Overcrowding monumental work, § 10-124.
Removal.
Offensive monuments, structures, etc., § 10-135.
Unauthorized, § 10-134.
Requirements, § 10-125.
Unauthorized removal, § 10-134.
Motor vehicles and traffic.
Speed limit, § 10-144.
Trucking prohibited, § 10-146.
Nonresidents.
Burial in Laurel Grove Cemetery, § 10-168.
Obscenity or indecent.
Removal of offensive monuments, markers, etc., § 10-135.
Offensive monuments, structures, etc.
Removal, § 10-135.
Old cemetery.
Title to Colonial Park, char., § 1-1302.
Park and tree commission.
Authority to close, § 10-103.
Jurisdiction, § 10-102.
Pathways.
Obstruction, § 10-118.
Paupers.
Burial in Laurel Grove Cemetery, § 10-169.
Permits.
Work permits, § 10-126.
Poles and wires.
Wires, boards, etc., prohibited, § 10-156.
Roadways.
Repair by contractors, § 10-132.
Rules and regulations, § 10-160.
Sales.
Lots. See within this title, "Lots."
Merchandise, solicitation of money, etc., prohibited, § 10-154.

CEMETERIES—Cont'd
Shrubs. See within this title, "Trees and shrubs."
Signs.
"For sale" signs prohibited, § 10-121.
Solicitation.
Sale of merchandise, solicitation of money, etc., prohibited, § 10-154.
Storage of material.
Prohibited, § 10-148.
Trees and shrubs.
Cutting of grass and weeds, § 10-142.
Detrimental trees, plants, etc. Removal, § 10-141.
Hedges.
Planting of hedges or other borders regulated, § 10-139.
Lot owners.
Right to cultivate, § 10-138.
Planting of trees, plants, etc., § 10-137.
Removal of plants or flowers generally, § 10-140.
Trespass.
Grassplats, § 10-150.
Lots, § 10-151.
Vaults.
Exposed parts to be of marble or granite, § 10-125.
Walks.
May be laid out and altered, § 10-117.
Water.
Charges to consumers in Bonaventure and Laurel Grove cemeteries, char., § 1-2506.
Delinquent accounts, § 10-158.
Deposit and expenditure of water rent, etc., § 10-159.
Weapons.
Discharge of firearms.
Unlawful, § 10-152.
Weeds.
Cuttings, § 10-142.
Work.
Soliciting work prohibited, § 10-149.
Workmen.
Supervision, § 10-122.
Work permits, § 10-126.

CERTIORARI.
Appeals.
Police court, char., § 1-523.
Police court, § 2-109.

CHARITY.
Appropriations for charity generally, char., § 1-139.
Hospitals.
Appropriations to hospitals receiving charity patients, char., § 1-140.

CHARTER AND RELATED LAWS.
Abattoir.
Municipal abattoir, char., § 1-118.
Advertising.
City.
Appropriations for advertising city, char., § 1-137.
Appropriations.
Charity generally, char., § 1-139.
Hospitals.
Municipal Hospital, char., § 1-1703.
Receiving charity patients, char., § 1-140.
Bacon Park, char., §§ 1-1321 to 1-1340.
See Parks and Commissions.
Bridge commission, char., §§ 1-2001 to 1-2007.
See Bridges.
Cemeteries, char., §§ 1-112, 1-114.
See Cemeteries.
Charity.
Appropriations for charity generally, char., § 1-139.
Hospitals.
Appropriation to hospitals receiving charity patients, char., § 1-140.
City.
Advertising.
Appropriations for advertising city, char., § 1-137.
City manager, char., §§ 1-217 to 1-230.
See City Manager.
City market.
Generally, char., §§ 1-115 to 1-117.
See Markets.

CHARTER AND RELATED LAWS—Cont'd
Civil service, char., §§ 1-401 to 1-424.
See Civil Service.
Condemnation.
General power of condemnation, char., § 1-111.
Construction of Acts, char., § 1-101.
Contracts and purchases.
Cemetery lots.
Contracts for care of cemetery lots, char., § 1-114.
Contracts.
Fair associations, char., § 1-138.
Convicts.
Generally.
See Prisons and Prisoners.
Sentencing to county chain gang, char., § 1-143.
Treadmills, char., § 1-141.
Corporate limits, char., §§ 1-102 to 1-105.
See Corporate Limits.
Cotton exchange.
Authority to grant certain rights to cotton exchange, char., § 1-136.
Council-Manager Act.
Effect on existing rights, powers, etc., char., § 1-210.
County chain gang.
Convicts may be sentenced to, char., § 1-143.
District authority, char., §§ 1-1901 to 1-1924.
See District Authority.
Docks.
Municipal docks, etc., char., § 1-122.
Electricity.
Municipal electric plant, char., § 1-119.
Eminent domain.
General power of condemnation, char., § 1-111.
Existing rights, powers, etc.
Effect of Council-Manager Act on, char., § 1-210.
Fairs.
Contracts with and contributions to fair associations, char., § 1-138.

CHARTER AND RELATED LAWS—Cont'd
Fences, char., §§ 1-1401 to 1-1404.
See Fences.
Fire department.
See Fire Protection.
Fire marshal, char., §§ 1-125 to 1-130.
See Fire Marshal.
Fire protection.
Generally, char., §§ 1-123, 1-124.
See Fire Protection.
For-hire vehicles.
Fares.
Regulation, char., § 1-134.
Garbage and trash.
Garbage collection, char., § 1-132.
Harbor and port of Savannah, char., §§ 1-107 to 1-109, 1-120 to 1-122.
See Harbor and Port of Savannah.
Health and sanitation, char., §§ 1-1701 to 1-1705.
See Health and Sanitation.
Historic site and monument commission, char., §§ 1-1801 to 1-1813.
See Historic Site and Monument Commission.
Hospitals.
Appropriations to hospitals receiving charity patients, char., § 1-140.
Municipal hospital, char., § 1-1703.
Loans.
Small loans.
Regulation of, char., § 1-133.
Markets.
City market generally, char., § 1-115.
Farmers' wholesale market at Franklin Square, char., § 1-117.
Open-air market, char., § 1-116.
Mayor.
See Mayor.

CHARTER AND RELATED LAWS—Cont'd
Monuments.
Historic site and monument commission, char., §§ 1-1801 to 1-1813.
See Historic Site and Monument Commission.
Officers and employees generally.
See Officers and Employees.
Parks and recreation, char., §§ 1-1301 to 1-1340.
See Parks and Recreation.
Party walls, char., §§ 1-1401 to 1-1404.
See Buildings.
Pensions, char., § 1-15.
Planning and zoning, char., §§ 1-1601 to 1-1629.
See Zoning.
Police.
Generally.
See Police.
Police district, char., § 1-106.
Port authority.
District authority, char., §§ 1-1901 to 1-1924.
See District Authority.
Prisons and prisoners.
Labor.
Convict labor generally, char., § 1-141.
Persons sentenced to labor to be turned over to mayor and aldermen, char., § 1-142.
Sanitation, char., §§ 1-1701 to 1-1705.
See Health and Sanitation.
Savannah River.
Bridge commission, char., §§ 1-2001 to 1-2007.
See Bridges.
Vessels and crews.
Jurisdiction over, char., § 1-108.
Wharf Head.
Rights in Wharf Head transferred to city, char., § 1-120.
Sewers, char., §§ 1-2101 to 1-2114.
See Sewers.
Sidewalks, char., §§ 1-2201 to 1-2242.
See Streets and Sidewalks.

CHARTER AND RELATED LAWS—Cont'd
Streets and sidewalks, char., §§ 1-2201 to 1-2242.
See Streets and Sidewalks.
Subdivisions, char., §§ 1-2301 to 1-2305.
See Subdivisions.
Taxation, char., §§ 1-2401 to 1-2411.
See Taxation.
Timber and lumber.
Inspectors.
Disclosures to be made to purchasers of timber, char., § 1-135.
Records of, char., § 1-135.
Purchases.
Disclosures to be made to purchasers of timber, char., § 1-135.
Town common.
Generally, char., § 1-109.
Lots.
Sale of certain lots confirmed, char., § 1-110.
Walls.
Party walls, char., §§ 1-1401 to 1-1404.
See Buildings.
Water, char., §§ 1-2501 to 1-2518.
See Water.
Weeds.
Cutting and removal, char., § 1-1705.
Wharf Head.
Rights in Wharf Head transferred to city, char., § 1-120.
Wharves.
Control, repair, etc., of wharves generally, char., § 1-121.
Municipal wharves, char., § 1-122.
Work houses, char., § 1-141.

CHATHAM COUNTY.
Bacon Park.
Commissioners.
Contracts not impaired by article, char., § 1-1322.
City Court.
Costs.
Fines, forfeitures and fees.
County subrogated to clerk's rights to funds and emoluments, char., § 1-5100.

CHATHAM COUNTY—Cont'd
City Court—Cont'd
Sheriff.
County subrogated to sheriff's rights to funds and emoluments, char., § 1-5102.
District authority.
Conveyances from, char., § 1-1918.
Jurisdiction, char., § 1-1915.
Education.
Board of public education, char., §§ 1-603 to 1-623.
See Education.
Elections.
City to pay county commissioners for work in connection with elections, char., § 1-724.
Fire marshal.
Investigation, char., § 1-127.
Foster homes.
Registration of children with county welfare department, § 16-109.
Historic site and monument commission, char., §§ 1-1801 to 1-1813.
See Historic Site and Monument Commission.
Milk and milk products.
Rules and regulations.
Adopted, § 21-101.
Ordinances.
Jurisdiction of prosecutions for violations, char., § 1-520.
Planning and zoning.
Metropolitan planning district.
Established, char., § 1-1601.
Planning commission.
Appointment, char., § 1-1608.
Police court.
Bonds.
Forfeiture, char., § 1-526.
Jurisdiction of prosecutions for violations of county ordinances, rules, etc., char., § 1-520.
Prisons and prisoners.
Convicts may be sentenced to county chain gang, char., § 1-143.

CHATHAM COUNTY—Cont'd
Rules and regulations.
Police court.
Jurisdiction of prosecutions for violations, char., § 1-520.
Water.
Right to extend facilities and services in Chatham County, char., § 1-2505.
Welfare department.
Foster homes.
Registration, § 16-109.
Zoning.
Master plan.
Adoption, char., § 1-1624.
Metropolitan planning district.
Established, char., § 1-1601.

CHILDREN.
See Minors.

CHURCHES.
Alcoholic beverages.
Sales near prohibited, § 5-114.
Closing to prevent spread of disease, § 29-113.
Motor vehicles and traffic.
Operation of vehicles near, § 22-123.
Religious assemblies.
Disturbing, § 24-134.

CIRCUSES.
Electricity.
Supervision of electrical installations, § 13-157.
Permit, § 28-108.

CITY ATTORNEY.
Airport.
Legal services to commission, char., § 1-1215.
Assistants.
Appointment, § 3-411.
Compensation, § 3-410.
Duties, § 3-409.
Offices created, § 3-408.
Supervision, § 3-409.
Corporate counsel.
Defined, § 9-202.
Council.
Attendance at council meetings, § 3-407.
Duties.
Generally, § 3-404.
Represent the city, § 3-405.
Election, § 3-402.

CITY ATTORNEY—Cont'd
Housing.
Violation of title.
Duties of city attorney, § 19-161.
Legal opinions, § 3-406.
Office.
Created, § 3-401.
Salary, § 3-403.
Water.
Legal services for industrial and domestic water supply commission, char., § 1-2516.

CITY COURT, char., §§ 1-592 to 1-5129.
See Courts.

CITY DISPENSARY.
Bottles.
Patients to furnish, § 29-207.
Exception, § 29-207.
Established, § 29-201.
Hours of operation, § 29-202.
Keeper.
Duties.
Generally, § 29-203.
Medicine.
Obtained by misrepresentation, § 29-209.
Physicians and surgeons.
Only regularly licensed physician may prescribe upon the dispensary, § 29-204.
Prescriptions.
Blanks, § 29-205.
Refusal to fill when patient able to pay, § 29-208.
Renewal, § 29-206.
Who may prescribe upon dispensary, § 29-204.

CITY ENGINEER.
Power of city manager, char., § 1-225.

CITY HALL.
Custodian of city hall.
Power of city manager, char., § 1-225.
Hours.
City office hours, § 3-101.
Motor vehicles and traffic.
Street abutting sidewalk on west side of City Hall.
Parking regulations, § 22-347.

CITY HALL—Cont'd
Streets and sidewalks.
Streets may be closed for purpose of erecting public buildings, char., § 1-2208.

CITY MANAGER.
Absence and disability.
Temporary manager, char., § 1-230.
Acting manager, char., § 1-229.
Advertising.
Signs and billboards.
Permit approved by manager, § 4-205.
Appointment, char., § 1-217.
City officers and employees not eligible for, char., § 1-220.
Exception, char., § 1-220.
Authority relative to officers and employees, char., § 1-225.
Board of purchase, char., § 1-216.
Bond, § 3-114.
Budget.
Preparation, char., § 1-224.
Buildings.
Moving of houses through streets, § 30-110.
Checks or vouchers.
Drawn on city funds.
Signatures, § 3-109.
Contracts.
Execution of contracts, char., § 1-226.
Duties.
Generally, § 1-224.
Finance.
Copy of statement furnished by director of finance to council, § 3-613.
Investigations.
Powers, char., § 1-224.
Libraries.
Carnegie Library.
Itemized statement of amounts paid out submitted to council, § 3-1204
Officers and employees.
Authority relative to, char., § 1-225.
Not eligible for appointment as city manager, char., § 1-220.
Exception, char., § 1-220.

CITY MANAGER—Cont'd
Officers and employees—Cont'd
Power to appoint and discharge, char., § 1-224.
Powers.
Generally, char., § 1-224.
Qualifications, char., §§ 1-219, 1-220.
Quarters, char., § 1-223.
Removal, char., § 1-228.
Report.
Financial and administrative, char., § 1-224.
Reports to manager, char., § 1-227.
Residence, char., §§ 1-221, 1-223.
Salary, char., § 1-222.
Signatures.
Checks or vouchers drawn on city funds, § 3-109.
Streets and sidewalks.
Moving houses through streets.
Permission required, § 30-110.
Temporary manager, char., § 1-230.
Term.
Tenure generally, char., § 1-217.
Title.
Official title, char., § 1-218.
Vacancy in office.
Acting manager, char., § 1-229.

CITY MARKET.
Generally, char., § 1-115.
See Markets.

CITY MARSHAL.
City manager.
Authority relative to, char., § 1-225.
Generally.
See Marshal.
Taxation, §§ 32-101, 32-102, 32-107.
See Taxation.

CITY TREASURER, §§ 3-701 to 3-715.
See Treasurer.

CIVIL SERVICE.
Applicant.
Refusal to examine or certify, char., § 1-419.

CIVIL SERVICE—Cont'd
Appointing authority.
Defined, char., § 1-401.
Appointments.
Certification, char., § 1-408.
Eligibility.
Terms, char., § 1-411.
Generally, char., § 1-408.
Provisional, char., § 1-409.
Refusal to examine or certify applicant, char., § 1-414.
Temporary and provisional, char., § 1-409.
Board.
Appointment, char., § 1-402.
Compensation, char., § 1-402.
Defined, char., § 1-401.
Duties, char., § 1-402.
Oath, char., § 1-422.
Removal, char., § 1-402.
Review of refusal to examine or certify applicant, char., § 1-414.
Certification and appointments.
Generally, char., § 1-408.
Prerequisite to placement on payroll, char., § 1-423.
Classified employees.
Defined, char., § 1-401.
Classified service.
Composition, char., § 1-405.
Defined, char., § 1-401.
Incumbents.
Status, char., § 1-406.
Re-employment in, char., § 1-413.
Residence of employees, char., § 1-421.
Vacancies in, char., § 1-407.
Definitions, char., § 1-401.
Demotion of employees, char., § 1-415.
Director.
Generally. See within this title, "Personnel director."
Dismissal of employees, char., § 1-418.
Employees.
Demotion, char., § 1-415.
Dismissal, char., § 1-418.
Oath, char., § 1-422.
Promotion, char., § 1-412.
Residence of, char., § 1-421.
Suspension, char., § 1-416.
Transfer, char., § 1-414.

CIVIL SERVICE—Cont'd
Examinations.
Competitive examinations generally, char., § 1-410.
Eligibility for appointment.
Term, char., § 1-411.
Papers.
Rating, char., § 1-411.
Refusal to examine or certify an applicant, char., § 1-419.
Incumbents.
Status, char., § 1-406.
Lay-offs, char., § 1-417.
Leaves of absence, char., § 1-417.
Oath.
Board and employees, char., § 1-422.
Personnel director, char., § 1-403.
Payroll.
Certification prerequisite to placement on payroll, char., § 1-423.
Personnel director.
Appointment, char., § 1-403.
Defined, char., § 1-401.
Duties generally, etc., char., § 1-403.
Oath, char., § 1-403.
Powers, char., § 1-403.
Political activities and recommendations, char., § 1-420.
Positions.
Classification, char., § 1-404.
Defined, char., § 1-401.
Promotion of employees, char., § 1-412.
Public hearings.
Defined, char., § 1-401.
Residence of employees, char., § 1-421.
Suspension of employees, char., § 1-416.
Transfer of employees, char., § 1-414.
Unclassified service.
Composition, char., § 1-405.
Violations of chapter, char., § 1-424.

CLERKS.
City Court, char., §§ 1-597 to 1-5100.
See Courts.
Council, §§ 3-301 to 3-313.
See Council.

CLERKS—Cont'd
Municipal Court, char., §§ 1-536 to 1-541.
See Courts.
Police court.
See Courts.

CODE.
Building Code, §§ 9-201 to 9-210.
See Buildings.
Catchlines of sections, § 2-104.
Citation, § 2-101.
Construction.
Rules, § 2-102.
Designated, § 2-101.
Fire Prevention Code, §§ 14-301 to 14-303.
Offenses.
Continuing violations, § 2-105.
Penalty.
General, § 2-105.
Severability of parts of Code, § 2-103.

COIN-OPERATED MACHINES.
Prohibited, § 28-106.
Exception, § 28-106.
Trade stimulating or mechanical game devices, §§ 28-101 to 28-106.
See Trade Stimulating or Mechanical Game Devices.

COLLEGES.
Armstrong College, char., §§ 1-301 to 1-313.
See Armstrong College.
Junior college.
Establishment and operation.
Authority, char., § 1-602.

COLONIAL PARK.
Title to, char., § 1-1302.

COLORED PERSONS.
Carnegie Library.
Board of trustees, §§ 3-1201 to 3-1204.
See Library.
Schools.
Charter amendment confirmed, char., §§ 1-617, 1-618.

COMMERCIAL ESTABLISHMENTS.
Water.
Meters for, § 37-213.

COMMISSIONS.
See Boards and Commissions.

COMMON.
Town common, char., §§ 1-109, 1-110.

COMPTROLLER.
Board of purchase, char., § 1-216.
Power of city manager, char., § 1-225.

CONDEMNATION.
Airports, char., § 1-1202.
Airport commission, char., § 1-1216.
General power of condemnation, char., § 1-111.
Sewers.
Property for drainage purposes, char., § 1-2104.
Streets and sidewalks.
Property for street purposes, char., § 1-2206.

CONSTABLES.
Office abolished, char., § 1-530.

CONSTRUCTION OF ACTS, char., § 1-101.

CONTAGIOUS AND INFECTIOUS DISEASES.
Autopsies.
Notice of, § 29-120.
Closing, etc., of theatres, stores, etc., to prevent spread of disease, § 29-113.
Conveyance of certain bodies.
Public conveyances not to be used, § 29-119.
Funerals.
Public funerals prohibited in certain cases, § 29-118.
Prisons and prisoners.
Indeterminate confinement of diseased persons, char., § 1-527.
Removal of persons with, § 29-116.
Trailer lots, camps and parks.
Report of, § 35-114.

CONTAGIOUS AND INFECTIOUS DISEASES—Cont'd
Venereal diseases.
Only physician to treat, § 29-123.
Prisoners to have indeterminate confinement, char., § 1-527.

CONTEMPT.
Courts.
Municipal court, char., § 1-581.
Police court.
Fine and punishment, char., § 1-518.

CONTRACTORS.
Cemeteries.
Improvement contractors to restore grade and sod, § 10-131.
Repair damaged roadways, monuments, etc., § 10-132.
Supervision, § 10-122.
Contracts and purchases.
To give security, § 11-104.
Electrical contractors, §§ 13-101, 13-105, 13-124, 13-125.
See Electricity.

CONTRACTS AND PURCHASES.
Advertising.
Procedure, char., § 1-216.
Approval of vouchers, § 11-105.
Board of purchase.
Approval of vouchers, § 11-105.
Composition, char., § 1-216.
Bids.
Record of bids, § 11-205.
Powers, char., § 1-216.
Quorum, char., § 1-216.
Bonds.
Contractors to give security, § 11-104.
Cemetery lots.
Contracts for care of cemetery lots, char., § 1-114.
City manager.
Contract with city manager, char., § 1-217.
Execution of contracts, char., § 1-226.
Supervisor of purchases.
Power of city manager, char., § 1-225.

CONTRACTS AND PURCHASES—Cont'd
Contractors.
To give security, § 11-104.
District authority.
Authority to enter into, char., § 1-1911.
Employment.
Contract provisions relative to labor, wages, etc., § 11-102.
Fair associations, char., § 1-138.
Labor.
Contract provisions relative to labor, wages, etc., § 11-102.
Officers and employees.
Interest in contracts prohibited, § 11-103.
Old age and survivor's insurance.
Execution of agreements, § 3-123.
Purchases, char., § 1-216.
Supervisor of purchases.
Bids.
Record of, § 11-205.
Bond, § 11-201.
Duties.
Generally, § 11-202.
To keep informed as to supplies on hand, § 11-204.
Power of city manager, char., § 1-225.
Supervision of supplies, § 11-203.
Supplies.
Duties to keep informed as to, § 11-204.
Supervision and examination, § 11-203.
Unauthorized purchases, § 11-106.
Vouchers.
Approval, § 11-105.
Wages.
Contract provisions relative to labor, wages, etc., § 11-102.
Determination of wage rates, § 11-101.
Water.
Industrial and domestic water supply commission.
Generally, char., § 1-2517.
With mayor and aldermen, char., § 1-2518.
Zoning.
Between bodies participating in plan, char., § 1-1604.

CONVICTS.
See Prisons and Prisoners.

CORPORATE COUNSEL.
See City Attorney.

CORPORATE LIMITS.
Acquisition of land outside corporate limits.
Authority, char., § 1-112.
Ordinance required, char., § 1-113.
Defined, char., § 1-102.
Extended.
Dedication of streets, char., § 1-105.
Generally, char., § 1-104.
Fires beyond city limits.
Extinguishing, char., § 1-124.
Harbor lines, char., § 1-107.
Police district, char., § 1-106.
Savannah River.
Jurisdiction over vessels and crews in, char., § 1-108.
Sewerage service beyond, §§ 37-501 to 37-508.
See Sewers.
Sewers.
Extensions beyond city limits, char., § 1-2113.
Streets and sidewalks.
Acquisition of land outside corporate limits, char., § 1-112.
Territory excluded, char., § 1-103.
Town common, char., §§ 1-109, 1-110.

COSTS.
Municipal Court, char., §§ 1-563 to 1-567.
See Courts.

COTTON AND GUNNIES.
Harbor and port of Savannah.
Cargo to be covered, § 18-213.
Fire hose to be coupled, § 18-203.
Lights in holds prohibited, § 18-209.
Painting holds prohibited, § 18-210.
Smoking prohibited, § 18-202.
Water barrels and buckets required, § 18-207.

COTTON EXCHANGE.
Arch or bridge slip at foot of Drayton Street, char., § 1-136.
Authority to grant certain rights to cotton exchange, char., § 1-136.

COUNCIL.
Appeals to city council from police court, char., § 1-522.
Bacon Park.
Contracts.
Article does not impair contract of conveyance, char., § 1-1322.
Right of mayor and aldermen relative to records and reports, char., § 1-1340.
Board of aldermen.
Bridge commission.
Members, char., § 1-2004.
Composition, char., § 1-211.
Jury duty.
Exemption from jury duty, char., § 1-203.
Officers and employees under jurisdiction of manager.
Not to appoint, etc., char., § 1-215.
Powers.
Council-manager act.
Effect of article on existing rights and powers, char., § 1-210.
Salary, char., § 1-214.
Sureties.
Prohibited on bond of city, § 3-113.
Vacancy in office, char., § 1-202.
Bridge commission.
Aldermen as members, char., § 1-2004.
Separate from council committees, char., § 1-2007.
City attorney.
Attendance at council meetings, § 3-407.
City manager.
Appointment by council, char., § 1-217.
Generally, char., §§ 1-217 to 1-230.
See City Manager.
Clerk.
Applications.
Receipt, § 3-307.

COUNCIL—Cont'd
Clerk—Cont'd
Attendance at council meetings, § 3-309.
Bond, § 3-303.
Books and records.
Inspection, § 3-311.
Removal, § 3-312.
Compensation, § 3-304.
Duties.
Generally, § 3-306.
Election of clerk, § 3-302.
Elections.
General election.
Duties of clerk of council, char., § 1-737.
Meetings.
Attendance at council meetings, § 3-309.
Minutes of council.
Indexing, § 3-310.
Recordation, § 3-310.
Office created, § 3-301.
Officer of police court, char., § 1-509.
Officers and employees.
Swearing of, § 3-308.
Ordinances.
Retention of copies, § 3-313.
Petitions.
Receipt, § 3-307.
Police.
Swearing of policemen, § 3-308.
Removal, § 3-305.
Retention of copies of council proceedings and ordinances, § 3-313.
Tenure, § 3-302.
Committees.
Bridge commission.
Separate from, char., § 1-2007.
Council-manager act, char., §§ 1-210 to 1-216.
Day nurseries and kindergartens.
Supervision and inspection, § 12-107.
Defined, § 2-102.
Finance committee.
Board of purchase, char., § 1-216.
Historic site and monument commission.
Approval of council required for erection or restoration of monuments, char., § 1-1810.

COUNCIL—Cont'd
Historic site and monument commission—Cont'd
Rights of mayor and council committees, char., § 1-1812.
Meetings.
City attorney.
Attendance, § 3-407.
Clerk of council.
Attendance, § 3-309.
Holidays, § 3-103.
Minutes.
Recordation and indexing, § 3-310.
Public council meetings, § 3-102.
Officers and employees.
Vacancies in office.
Filling, char., § 1-201.
Park and tree commission.
Right of council committee to inspect books, etc., char., § 1-1320.
Police court.
Appeals to city council, char., § 1-522.
Recordation.
Minutes, § 3-310.
Sinking fund.
City officers not eligible to serve as members, § 3-1305.
Election, § 3-1304.
Streets and sidewalks.
Improvements, char., §§ 1-2213, 1-2217, 1-2219, 1-2220, 1-2238.
Subdivisions.
Approval of map or plan, char., § 1-2301.
Sundays and holidays.
Meetings of council which fall on holidays, § 3-103.
Taxation.
General authority of mayor and aldermen, char., § 1-2401.
Treasurer.
Receipt and payment of accounts passed by council, § 3-706.
Veto power of mayor, char., § 1-205.
Water.
Provide for operation of system, fix rates, etc., char., § 1-2501.

COUNTY.
Chatham County.
See Chatham County.
Defined, § 2-102.

COURTS.
Bonds.
Police court, char., §§ 1-524 to 1-526. See within this title, "Police Court".
City Court.
Attachment, char., § 1-5115.
Attachment and garnishment.
Issuance by clerk, char., § 1-598.
Bailiffs, char., § 1-5107.
Claim cases.
Jurisdiction, char., § 1-594.
Clerk.
Assistants.
Clerical assistants, char., § 1-5106.
Bond, etc., char., § 1-5104.
Accept and approve bonds, char., § 1-598.
County subrogated to clerk's rights to funds and emoluments, char., § 1-5100.
Deputy clerk, char., § 1-5106.
Distress warrants, etc.
Issuance.
Authority, char., § 1-598.
Election, char., § 1-5104.
Fee system abolished, char., § 1-597.
Funds and emoluments.
County subrogated to clerk's rights to funds and emoluments, char., § 1-5100.
Records.
Not required to prepare and transmit record in certain cases, char., § 1-599.
Salary, char., § 1-597.
Payment, char., § 1-5109.
Terms, char., § 1-5105.
Costs.
Generally, char., § 1-5118.
Criminal procedure.
Indictment by grand jury abolished, char., § 1-5110.
Demurrers.
Filing, char., § 1-5113.
Divisions, char., § 1-5120.

COURTS—Cont'd
City Court—Cont'd
Fees.
Clerk.
Fee system abolished, char., § 1-597.
Filing fee, char., § 1-5119.
Generally, char., § 1-5118.
Sheriff.
Fee system abolished, char., § 1-5101.
Habeas corpus.
Powers of judge relative to, char., § 1-5128.
Hearings not to be stayed or discontinued because of new session, char., § 1-5116.
Judge.
Absence of judge, char., § 1-5127.
Chief judge of Municipal Court.
Ex officio judge, char., § 1-5129.
Right to preside over city court, char., § 1-586.
Election, char., § 1-5121.
Ex officio judge.
Chief judge of Municipal Court presiding as ex officio judge, char., § 1-5129.
Habeas corpus.
Powers relative to, char., § 1-5128.
Jurisdiction, char., § 1-5129.
Practicing law.
Not to practice law, char., § 1-5125.
Preside and have complete jurisdiction, char., § 1-5129.
Qualifications, char., § 1-5122.
Salary, char., § 1-5124.
Payment, char., § 1-5109.
Term of office, char., § 1-5123.
Vacancies in office, char., § 1-5126.
Jurisdiction.
Claim cases, char., § 1-594.
Generally, char., § 1-593.
Judge to preside and have complete jurisdiction, char., § 1-5129.

COURTS—Cont'd
City Court—Cont'd
Jury.
Boxes.
Locking, char., § 1-5112.
Grand jury abolished, char., § 1-5110.
Jurors.
Drawing of jurors, char., § 1-5112.
Generally, char., § 1-5111.
Lists, char., § 1-5111.
Laws governing court of common pleas and oyer and terminer.
Applicability of, char., § 1-595.
Mortgages.
Foreclosure of mortgages, char., § 1-594.
Municipal Court.
Transfer of case to, char., § 1-5119.
Name and style, char., § 1-592.
New trial, char., § 1-5117.
Pleading.
Defaults, char., § 1-5113.
Pleas, etc.
Filing, char., § 1-5113.
Records.
Clerk not required to prepare and transmit record in certain cases, char., § 1-599.
Reporter, char., § 1-508.
Salaries.
Payment of salaries generally, char., § 1-5109.
Sessions, char., § 1-596.
New session.
Trials and hearings not to be stayed or discontinued because of new session, char., § 1-5116.
Sheriff.
Bond, etc., char., § 1-5104.
County subrogated to sheriff's rights to funds and emoluments, char., § 1-5102.
Election, char., § 1-5104.
Fee system abolished, char., § 1-5101.

COURTS—Cont'd
City Court—Cont'd
Sheriff—Cont'd
Funds and emoluments.
County subrogated to sheriff's rights to funds and emoluments, char., § 1-5102.
Process.
Service of process, char., § 1-5103.
Salary, char., § 1-5101.
Payment, char., § 1-5109.
Terms, char., § 1-5105.
Stenographer.
Appointed in lieu of bailiff, char., § 1-5107.
Salary, char., § 1-5107.
Style, char., § 1-592.
Suits against nonresident co-defendant, char., § 1-5114.
Transfer of case to Municipal Court, char., § 1-5119.
Trials.
New trials, char., § 1-5117.
Not to be stayed or discontinued because of new session, char., § 1-5116.
Warrants.
Distress warrants.
Issuance.
Clerk, char., § 1-598.
Common pleas and oyer and terminer.
City Court.
Applicability of laws governing court of common pleas and oyer and terminer, char., § 1-595.
Contempt.
Municipal Court, char., § 1-581.
Police court, char., § 1-518.
Juries.
City Court. See within this title, "City Court."
Municipal Court. See within this title, "Municipal Court."
Police court. See within this title, "Police Court."
Jurisdiction.
City Court, char., §§ 1-593, 1-594.
Municipal Court, char., §§ 1-532 to 1-534.
Police court, char., § 1-502.

COURTS—Cont'd
Municipal Court.
Answers.
Verification of answers, char., § 1-554.
Appeals.
Appeals to superior court, char., § 1-572.
Bill of exception to court of appeals or supreme court, char., § 1-573.
Right of appeal to jury, char., § 1-558.
Costs, char., § 1-566.
Appearance docket.
Calling of appearance docket, char., § 1-555.
Assignment and dismissal of cases, char., § 1-556.
Attachments, char., § 1-550.
Bills of exception to court of appeals or supreme court, char., § 1-573.
Books to be furnished by state librarian, char., § 1-545.
City Court cases.
Transfer of case to Municipal Court, char., § 1-5119.
Civil and criminal matters generally.
Jurisdiction, char., § 1-532.
Clerk.
Bond, char., § 1-538.
Deputy clerk, char., § 1-541.
Bond, char., § 1-538.
Duties, char., § 1-535.
Fees.
Not to receive for own use, char., § 1-539.
Powers and duties, char., § 1-535.
Salaries, char., § 1-537.
Terms, char., § 1-540.
Vacancies in office, char., § 1-540.
Costs.
Appeal cases.
Jury in appeal cases, char., § 1-566.
Chief judge.
Duties of chief judge relative to costs, char., § 1-588.

COURTS—Cont'd
Municipal Court—Cont'd
Costs—Cont'd
Deposit.
Generally, char., § 1-563.
Suits involving one to three hundred dollars, char., § 1-564.
Disposition, char., § 1-567.
Jury in appeal cases, char., § 1-566.
Record and disposition, char., § 1-567.
Schedule, char., § 1-565.
Court of appeals.
Bills of exception to, char., § 1-573.
Created, char., § 1-530.
Criminal procedure.
Jurisdiction, char., § 1-532.
Demurrers and special pleas, char., § 1-554.
Dismissal of cases, char., § 1-556.
Docket.
Appearance docket.
Calling, char., § 1-555.
Equipment, char., § 1-544.
Executions.
Effect of, char., § 1-570.
Levy of executions, char., § 1-553.
Fees.
Clerk, sheriff, etc., not to receive fees for own use, char., § 1-539.
Furniture and other equipment, char., § 1-544.
Garnishments.
Answers.
When answers to garnishments may be filed, char., § 1-549.
Judges.
Associate judge.
Salary, char., § 1-583.
Chief judge.
Appoint judge pro tem.
Authority, char., § 1-587.
City Court, right of chief judge to preside over City Court, char., §§ 1-586, 1-5129.

COURTS—Cont'd
Municipal Court—Cont'd
Judges—Cont'd
Chief judge—Cont'd
Costs.
Duties of chief judge relative to costs, char., § 1-588.
Leaves of absence.
Authority to grant, char., § 1-587.
Powers.
Ex officio judge of the City Court, char., §§ 1-586, 1-5129.
General powers of chief judge, char., § 1-585.
Salary, char., § 1-582.
Contempt.
Power to punish for, char., § 1-581.
Costs.
Chief judge.
Duties relative to char., § 1-588.
Duties.
Entire time to be devoted to, char., § 1-579.
Election and terms, char., § 1-575.
Generally, char., § 1-574.
Impeachment, char., § 1-590.
Judge pro hac vice, char., § 1-591.
Oath, char., § 1-578.
Powers.
Chief judge, char., §§ 1-585, 1-586, 1-5129.
Generally, char., § 1-576.
Punishment for contempt, char., § 1-581.
Qualifications, char., § 1-577.
Rules, char., § 1-589.
Salaries.
Associate judge, char., § 1-583.
Chief judge, char., § 1-582.
Exclusive compensation, char., § 1-584.
Terms, char., § 1-575.
Vacancies, char., § 1-580.

COURTS—Cont'd
Municipal Court—Cont'd
Judgments.
Default judgments.
Cases involving more than one hundred dollars, char., § 1-569.
Cases involving one hundred dollars or less, char., § 1-568.
Effect of, char., § 1-570.
Jurisdiction.
Civil and criminal matters generally, char., § 1-532.
Liens.
Foreclose liens, char., § 1-534.
Peace and good behavior warrants, char., § 1-533.
Territorial jurisdiction, char., § 1-531.
Jury.
Jurors.
Compensation, char., § 1-562.
Drawing, char., § 1-559.
Impaneling, etc., char., § 1-561.
List of, char., § 1-559.
Number, char., § 1-560.
Qualifications, impaneling, etc., char., § 1-561.
Number of juries, char., § 1-560.
Right of appeal to jury, char., § 1-558.
Costs, char., § 1-566.
Trial by jury.
Generally, char., § 1-557.
Justices of the peace.
Applicability of law relative to justices of the peace, char., § 1-543.
Liens.
Foreclose liens,
Jurisdiction, char., § 1-534.
New trial.
Motions for, char., § 1-571.
Place of holding court, char., § 1-544.
Pleading, etc., generally, char., § 1-542.
Pleas.
Special pleas, char., § 1-554.
Procedure, pleading, etc., generally, char., § 1-542.
Rules, char., § 1-589.

COURTS—Cont'd
Municipal Court—Cont'd
Service of process.
When suits may be served by mail, char., § 1-548.
Sheriff.
Bond, char., § 1-538.
Deputy sheriff, char., § 1-541.
Bond, char., § 1-538.
Duties, char., § 1-536.
Fees.
Not to receive for own use, char., § 1-539.
Powers and duties, char., § 1-536.
Salaries, char., § 1-537.
Terms, char., § 1-540.
Vacancies in office, char., § 1-540.
State librarian.
Books to be furnished by, char., § 1-545.
Suits.
Filing and serving.
When suits may be filed and served, char., § 1-547.
Summons and process.
Issuance and execution, char., § 1-551.
Service.
When suits may be served by mail, char., § 1-548.
Superior court.
Appeals to, char., § 1-572.
Supreme court.
Bills of exception to, char., § 1-573.
Terms, char., § 1-546.
Territorial jurisdiction, char., § 1-531.
Transfer of case from city court to municipal court, char., § 1-5119.
Warrants.
Peace and good behavior warrants.
Jurisdiction, char., § 1-533.
Service, char., § 1-552.
Pleading.
Municipal court, char., § 1-542.
Police court.
Alderman.
Presiding officer in absence of recorder, char., § 1-512.

COURTS—Cont'd
Police court—Cont'd
Appeals to city council, char., § 1-522.
Bond, char., § 1-522.
Appearance bond when state law violated, char., § 1-524.
Bail and recognizance.
Authority of recorder or other presiding officer, char., § 1-515.
Bonds.
Appearance bond when state law violated, char., § 1-524.
Forfeiture of bonds.
County cases, char., § 1-526.
Generally, char., § 1-525.
Supersedeas bonds.
Forfeiture, § 2-109.
Certiorari, § 2-109; char., § 1-523.
Procedure, § 2-109.
Chatham County.
County ordinances, rules, etc.
Jurisdiction of prosecutions for.
Violations, char., § 1-520.
Clerk, char., § 1-507.
Deputy clerk, char., § 1-508.
Powers and duties, char., § 1-507.
Clerk of the council.
Officer of police court, char., § 1-509.
Contempt.
Fines and punishment.
Imposition, char., § 1-518.
Court officers.
Clerk of council and marshal as court officers, char., § 1-509.
Marshal as court officer, char., § 1-509.
Ministerial officers, char., § 1-510.
Court of record, char., § 1-501.
Continued as, char., § 1-502.
Diseased persons.
Indeterminate confinement of, char., § 1-527.
Dockets, char., § 1-528.
Established and declared a court of record, char., § 1-501.

COURTS—Cont'd
Police court—Cont'd
Highway Patrol Act, etc.
Jurisdiction of cases under Highway Patrol Act, etc., char., § 1-529.
Housing.
Title to be enforced through recorder's court, § 19-163.
Violation of title to be enforced through recorder's court, § 19-163.
Jail.
Authority to commit offenders to jail, char., § 1-515.
Jurisdiction.
Generally, char., § 1-502.
Marshal of the city.
Officer of police court, char., § 1-509.
Offenders.
Authority to commit offenders to jail and admit them to bail, char., § 1-515.
Ordinances.
County ordinances, rules, etc.
Jurisdiction of prosecutions for violations of, char., § 1-520.
Parties.
Subpoenas for, char., § 1-517.
Penalties.
Suspension, modification, etc., char., § 1-521.
Proceedings.
Broadcast of proceedings prohibited, char., § 1-511.
Recorder.
Absence.
Presiding officer in absence of recorder generally, char., § 1-512.
Elections for recorder, char., § 1-505.
Entering office, char., § 1-506.
Oath, char., § 1-506.
Presiding over police court, char., § 1-503.
Pro tem, char., § 1-513.
Jurisdiction, § 3-802.
Powers, § 3-802.
Salary, § 3-803.
Selection, § 3-801.
Serving when, § 3-804.

COURTS—Cont'd
Police court—Cont'd
Recorder—Cont'd
Pro tem—Cont'd
Subject to same rules, regulations, etc., as recorder, § 3-805.
Qualifications, char., § 1-504.
Salary.
Minimum salary of recorder, char., § 1-514.
Sentence and punishment.
Diseased persons.
Indeterminate confinement, char., § 1-527.
Suspension, modification, etc., of penalties, char., § 1-521.
Sessions.
Daily sessions, char., § 1-503.
State law.
Appearance bond when state law violated, char., § 1-524.
Subpoenas for parties and witnesses, char., § 1-517.
Warrants.
Execution, char., § 1-519.
Issuance and execution, char., § 1-519.
Witnesses.
Subpoenas for, char., § 1-517.
Women.
Imprisonment of women, char., § 1-516.
Radio and television.
Broadcast of police court proceedings prohibited, char., § 1-511.
Reporter.
City Court, char., § 1-5108.
Stenographer.
City Court.
Appointed in lieu of bailiff, char., § 1-5107.
Salary, char., § 1-5107.

CRUELTY TO ANIMALS AND FOWL.
Generally, § 6-104.

D

DAMAGES.
Cemeteries.
Injury to property generally, § 10-133.

DANCES.
Dance hall.
Permit.
Required, § 28-110.
Revocation, § 28-111.
Public dances.
Permit, § 28-109.

DAY NURSERIES AND KINDERGARTENS.
Council.
Supervision and inspection, § 12-107.
Definition, § 12-101.
Foster homes, §§ 16-101 to 16-111.
See Foster Homes.
Inspection, § 12-107.
Permit.
Application, § 12-103.
Issuance.
Report required before, § 12-104.
Number of children allowed.
Designation, § 12-105.
Required, § 12-102.
Revocation, § 12-106.
Supervision, § 12-107.
Trade stimulating or mechanical game devices.
Location within one hundred yards prohibited, § 28-102.

DEAD ANIMALS.
Deposit in streets, lanes, etc.
Prohibited, § 6-112.
Removal by scavenger department, § 6-111.
Report to scavenger department, § 6-110.

DEPARTMENTS.
Finance, §§ 3-601 to 3-614.
See Finance.
Fire department, §§ 14-201 to 14-209.
See Fire Protection.
Heads.
Reports.
Monthly, § 3-107.
Public improvements, §§ 3-501 to 3-508.
See Public Improvements.
Reports.
Monthly reports of department heads, § 3-107.
To city manager, char., § 1-227.

DETECTIVES.
Chief of detectives.
Power of city manager, char., § 1-225.

DISEASES.
Contagious and infectious diseases.
See Contagious and Infectious Diseases.

DISORDERLY CONDUCT.
Bowling alleys, § 28-122.
Cemeteries, § 10-143.
Generally, § 24-103.
Poolrooms, § 28-122.

DISORDERLY HOUSES.
Prohibited, § 24-104.

DISPENSARY, §§ 29-201 to 29-209.
See City Dispensary.

DISTRESS FOR RENT.
Warrants.
Issuance by City Court clerk, char., § 1-598.

DISTRICT AUTHORITY.
Advisory board, char., § 1-1908.
Alternative method, char., § 1-1924.
Bond issues.
Authority to make, char., § 1-1911.
Constitutional or statutory debt limit.
Not within, char., § 1-1913.
Not debt of city, char., § 1-1912.
Tax free, char., § 1-1913.
Validation, char., § 1-1914.
Chatham County.
Conveyances from, char., § 1-1918.
Jurisdiction, char., § 1-1915.
Composition, char., § 1-1903.
Construction.
Constitutional construction, char., § 1-1922.
Liberally construed, char., § 1-1921.
Contracts.
Authority to enter into, char., § 1-1911.
Conveyances from state, county and city, char., § 1-1918.
Definitions, char., § 1-1901.

DISTRICT AUTHORITY—Cont'd
Ellis Square.
Conveyance to district authority, char., § 1-805.
Factory sites.
Authority as to, char., § 1-1917.
Incorporation, char., § 1-1902.
Industrial enterprises.
Plan to co-ordinate, char., § 1-1919.
Jurisdiction.
Chatham County, char., § 1-1915.
Liability of members.
Absolved of personal liability, char., § 1-1912.
Officers, char., § 1-1907.
Ordinance.
Grant of authority by ordinance, char., § 1-1916.
Plan.
Co-ordination of industrial enterprises, terminal facilities, etc., char., § 1-1919.
Planning commission.
Termination of term of members from district authority, char., § 1-1611.
Powers.
Generally, char., § 1-1910.
Prior acts, char., § 1-1923.
Projects.
Approval of projects by Georgia Ports Authority, char., § 1-1915.
Cost of project defined, char., § 1-1901.
Defined, char., § 1-1901.
Qualifications, char., § 1-1904.
Quorum, char., § 1-1909.
Revenue certificates.
Effect of issuance, char., § 1-1920.
State.
Conveyances from, char., § 1-1918.
Taxation.
Bond issues.
Tax free, char., § 1-1913.
Terms, char., § 1-1905.
Vacancies, char., § 1-1906.
Wharves.
Authority relative to, char., § 1-1917.

DOCKS.
Generally.
See Harbor and Port of Savannah.
Municipal docks, etc., char., § 1-122.

DOCTORS.
See Physicians and Surgeons.

DOGS.
Animals and fowl.
Generally, §§ 6-201 to 6-212.
See Animals and Fowl.
Humane Society.
Impoundment by Society, § 6-209.
Impoundment.
Disposition, § 6-208.
Dogs required to be muzzled or leashed.
Violation, § 6-204.
Generally, § 6-204.
Humane Society, § 6-209.
Redemption, § 6-207.
Unlicensed dogs, § 6-205.
Where impounded dogs to be kept, § 6-206.
Leash.
Required, § 6-202.
Licenses.
Tag.
Notice to owner when dog found without tag, § 6-203.
Required, § 6-201.
Muzzles.
Required, § 6-202.
Registration, § 6-201.

DRAINAGE SYSTEM.
Authority to establish.
Generally, char., § 1-2101.
Housing, § 19-116.
Sewers.
Generally.
See Sewers.

DRUNKENNESS.
Public drunkenness.
Prohibited, § 24-132.

DUMPING.
Harbor and port of Savannah.
Material in river generally, § 18-112.

DWELLING.
Defined, § 19-103.

E

EATING PLACES.
Food establishments, §§ 15-201 to 15-213.
See Food and Food Establishments.

EDUCATION.
Appropriations.
Educational purposes, char., § 1-601.
Armstrong College.
See Armstrong College.
Board of public education.
Act of August 2, 1923, not repealed, char., § 1-623.
Affect of general law on rights and powers, char., § 1-622.
Buildings and grounds.
Control of, char., § 1-613.
Change of general law to ipso facto amend charter, char., § 1-618.
Charter amendment confirmed, char., § 1-617.
Change of general law to ipso facto amend charter, char., § 1-618.
County board.
Substitute for county board.
Declared, char., § 1-605.
County commissioners.
Rights.
Certain rights of county commissioners not affected, char., § 1-621.
Design and purpose, char., § 1-603.
Duties.
Generally, char., § 1-612.
Educational fund.
Demand and receipt, char., § 1-619.
Receipt, char., § 1-619.
Election.
Act of August 2, 1923 not repealed, char., § 1-623.
Established, char., § 1-603.
Free school fund.
Transfer and use, char., § 1-620.
Use, char., § 1-620.
Grounds.
Control of, char., § 1-613.
Incorporation, char., § 1-612.

EDUCATION—Cont'd
Board of public education—Cont'd
Jurisdiction extended over Chatham County, char., § 1-604.
Massie School Commissioners.
Members of board of public education, char., § 1-607.
Members.
Election, char., § 1-606.
Eligibility after expiration of terms, char., § 1-610.
Majority to be parents of school children, char., § 1-609.
Massie School Commissioners as members, char., § 1-607.
Terms, char., § 1-607.
Money.
Borrowing money.
Authority, char., § 1-614.
Name changed, char., § 1-604.
Pension system.
Authority relative to.
Administration of funds, char., § 1-616.
Generally, char., § 1-615.
Powers and duty.
Generally, char., § 1-612.
President.
Election, char., § 1-611.
Purpose, char., § 1-603.
Rights and powers.
Affect of general law on, char., § 1-622.
Rights of county commissioners.
Certain rights of county commissioners not affected, char., § 1-621.
Substitute for county board.
Declared, char., § 1-605.
Vacancies, char., § 1-608.
Colleges.
Junior college.
Establishment and operation, char., § 1-602.
Schools.
Generally.
See Schools.

ELECTIONS.
Assistance to voters, char., § 1-719.

ELECTIONS—Cont'd
Ballots.
Ballot-labels generally, char., § 1-715.
Diagram.
Defined, char., § 1-701.
Diagrams at polling places, char., § 1-718.
Labels.
Defined, char., § 1-701.
Generally, char., § 1-715.
Paper ballots, char., § 1-716.
Write-in ballots, char., § 1-721.
Defined, char., § 1-701.
Candidates.
General election. See within this title, "General election."
Primaries.
Nominees, char., § 1-746.
City attorney, § 3-402.
Clerk.
City court, char., § 1-5104.
Counters.
Protective counter.
Defined, char., § 1-701.
Public counters.
Defined, char., § 1-701.
County commissioners.
City to pay county commissioners for work in connection with elections, char., § 1-724.
Custodian.
Defined, char., § 1-701.
Definitions, char., § 1-701.
Diagrams at polling places, char., § 1-718.
Districts, char., § 1-713.
Education.
Board of public education, char., § 1-606.
Effect of article on other acts, char., § 1-726.
General elections.
Ballot boxes.
Number of, char., § 1-731.
Candidates.
Declarations.
Filing char., § 1-729.
Filing notice and declaration, char., § 1-729.
Qualifications, char., § 1-728.
Successful candidates.
Meeting, term, oath, etc., char., § 1-739.
Oath, etc., char., § 1-739.
Term, char., § 1-739.

ELECTIONS—Cont'd
General elections—Cont'd
Clerk of council.
Duties, char., § 1-737.
Conduct generally, char., § 1-730.
Holding.
When held, char., § 1-727.
Hours of voting, char., § 1-732.
Police.
Interfering with voters prohibited, char., § 1-740.
Under control of Mayor on election day, char., § 1-740.
Registration.
Book.
When registration book to be closed, char., § 1-735.
Generally, char., § 1-734.
Voters.
List of voters, char., § 1-736.
Police interference prohibited, char., § 1-740.
Registration of voters generally, char., § 1-734.
Who may vote, char., § 1-733.
Voting.
Illegal voting, char., § 1-738.
When held, char., § 1-727.
Who may vote, char., § 1-733.
Judges.
Municipal court, char., § 1-575.
Lighting and diagrams at polling places, char., § 1-718.
Mail.
Voting by mail, char., § 1-720.
Offenses generally, char., § 1-725.
Officers, char., § 1-714.
Police.
Interference with voters prohibited, char., § 1-740.
Under control of mayor on election day, char., § 1-740.
Polling places.
Lighting and diagrams, char., § 1-718.
Polls.
Procedure after polls close, char., § 1-723.
Precincts and districts, char., § 1-713.
Primaries.
Ballot boxes.
Number of boxes, char., § 1-744.
Conduct generally, char., § 1-742.

ELECTIONS—Cont'd
Primaries—Cont'd
Executive committees, char., § 1-745.
First election.
Control of, char., § 1-745.
Holding.
When held, char., § 1-741.
Hours of voting, etc., char., § 1-744.
Nominees, char., § 1-746.
Voters.
List of voters, char., § 1-743.
Who may vote, char., § 1-743.
Procedure.
After polls close, char., § 1-723.
Election day procedure generally, char., § 1-717.
Question.
Defined, char., § 1-701.
Recorder.
Police court, char., § 1-505.
Registering counters.
Defined, char., § 1-701.
Registration.
County commissioners.
City to pay for work in connection with, char., § 1-724.
Eligibility of persons who have re-registered, char., § 1-702.
General election. See within this title, "General Election."
Sheriff.
City Court, char., § 1-5104.
Sinking fund commission, § 3-1304.
Voters.
Assistance to, char., § 1-719.
General election. See within this title, "General Election."
Primaries. See within this title, "Primaries."
Speaking by and to electors, char., § 1-722.
Voting.
By mail, char., § 1-720.
Voting machines.
Custodian generally, char., § 1-711.
Experimental use, char., § 1-707.
Exterior to be in plain view, char., § 1-711.
Location, char., § 1-711.
Maintenance, char., § 1-709.
Number, char., § 1-705.

ELECTIONS—Cont'd
Voting machines—Cont'd
Payment for, char., § 1-708.
Pre-election display, char., § 1-710.
Procuring.
Authority to city council to procure, char., § 1-704.
Registering compartment.
Defined, char., § 1-701.
Specifications, char., § 1-706.
Storage, char., § 1-712.
Use.
Authority to use, char., § 1-703.
Experimental use, char., § 1-707.

ELECTRICITY.
Advertising.
Signs, § 4-210.
Appeals.
Certificate of competency.
Revocation and suspension, § 13-131.
Refusal of board of electrical examiners to grant certificate of competency.
Applicant's right of appeal or certiorari, § 13-118.
Appliances.
Approval, § 13-179.
Applicability of title, § 13-104.
Approval of materials, appliances and devices, § 13-179.
Bathrooms.
Lighting, § 13-166.
Board of electrical examiners.
Certificate of competency. See within this title, "Certificate of Competency."
Compensation, § 13-107.
Composition, § 13-107.
Examinations.
Application, § 13-108.
Certificate of competency.
Issuance, § 13-109.
Refusal of board to grant.
Notice to applicant, § 13-117.
Right of appeal or certiorari, § 13-118.
Duration, § 13-108.
Fees, § 13-114.
Held when, § 13-108.
Identical for all members of same class, § 13-113.

ELECTRICITY—Cont'd
Board of electrical examiners—Cont'd
Examinations—Cont'd
Maintenance electrician, § 13-110.
Master electrician, § 13-111.
Nature of examinations, § 13-109.
Notice.
Publication of notice of the examination, § 13-115.
Persons required to take and not to take examinations, § 13-109.
Rules and regulations, § 13-116.
Sign and display master electrician, § 13-112.
Term, § 13-107.
Bond, § 13-105.
Branches.
One branch circuit for each store front, § 13-164.
Buildings under construction, demolition or repair.
Lighting, § 13-158.
Carnivals.
Supervision of electrical installations, § 13-157.
Certificate of competency.
Examinations. See within this title, "Board of Electrical Examiners."
Expiration, § 13-127.
Fees.
Renewal fee, § 13-128.
Issuance, §§ 13-109, 13-126.
By board of electrical examiners, § 13-109.
Maintenance electricians, § 13-129.
Refusal of board to grant.
Appeals.
Applicant's right of appeal or certiorari, § 13-118.
Notice to applicant, § 13-117.
Renewal.
Application, § 13-127.
Fee, § 13-128.
Revocation and suspension.
Appeal, § 13-131.
Hearing, § 13-131.
Grounds, § 13-130.
Unlawful use of name and certificate of competency, § 13-144.

ELECTRICITY—Cont'd
Circuses.
Supervision of electrical installations, § 13-157.
City electrician.
Power of city manager, char., § 1-225.
Concealment.
Improperly made joints, § 13-145.
Work prior to inspection, § 13-138.
Conductors.
Neon and cold cathode high-voltage tubing, § 13-181.
Contractor.
Bond, § 13-105.
Defined, § 13-101.
License.
Occupational license.
Required, § 13-124.
Revocation.
Procedure, § 13-125.
Cords.
Portable cords, § 13-156.
Coves, § 13-177.
Dimensions for installation and maintenance, § 13-177.
Definitions, § 13-101.
Devices.
Approval, § 13-179.
Ells.
Short-radius ells, § 13-152.
End-to-end fixtures.
Wiring, § 13-168.
Examinations. See within this title, "Board of Electrical Examiners".
Exit lighting, § 13-171.
Fairs.
Supervision of electrical installations, § 13-157.
Fans.
Ceiling fans, § 13-150.
Fees.
Certificate of competency.
Renewal fee, § 13-128.
Inspection fees, § 13-139.
Fire protection.
Fire alarms and similiar systems, § 13-172.
Installations damaged by fire, § 13-169.
Fixtures.
End-to-end fixtures.
Wiring, § 13-168.
Flashes, § 13-174.

ELECTRICITY—Cont'd
Fluorescent lighting, § 13-160.
Franchises.
Right of holder of city franchise to perform electrical installations, etc., § 13-142.
Grounding.
Metal raceways.
Sign installations, § 13-185.
Heaters.
Electric heaters, § 13-163.
Housing.
Electric circuits required, § 19-118.
Removal or discontinuance prohibited, § 19-156.
Replacement of electric wiring and outlets, § 19-122.
Ice boxes, § 13-161.
Inspection.
Concealment of work prior to inspection.
Effect, § 13-138.
Failure to correct defective work.
Effect, § 13-137.
Fees, § 13-139.
Inspector.
Authority.
Disconnect hazardous wiring, § 13-121.
General authority, § 13-120.
Duties, § 13-119.
Interfering with inspector prohibited, § 13-123.
Power of city manager, char., § 1-225.
Right of entry, § 13-122.
Wiring.
Authority to disconnect hazardous wiring, § 13-121.
Installations.
Supervision of electrical installations for fairs, carnivals, etc., § 13-157.
Supervision of temporary or transient installations, § 13-178.
Tampering with electrical installations, § 13-155.
Joints.
Concealing improperly made joints, § 13-145.
Licenses.
Occupational license.
Required, § 13-124.
Revocation.
Procedure, § 13-125.

ELECTRICITY—Cont'd
Lighting.
Bathroom and toilet lighting, § 13-166.
Cold cathode lighting, § 13-176.
Conductors, § 13-181.
Exit lighting, § 13-171.
Interior neon or cold cathode lighting, § 13-176.
Neon lighting. See within this title, "Neon Lighting".
Slim-line lighting, § 13-160.
Wiring, § 13-168.
Window-border lighting, § 13-175.
Load.
Small appliance load, § 13-154.
Maintenance electricians.
All work to be done by qualified electricians, § 13-141.
Bond, § 13-105.
Certificate of competency. See within this title, "Certificate of Competency".
Defined, § 13-101.
Examination. See within this title, "Board of Electrical Examiners".
Permits. See within this title, "Permits".
Required to qualify before doing electrical work, § 13-143.
Unlawful use of name, § 13-144.
Master electricians.
All work to be done by qualified electricians, § 13-141.
Bond, § 13-105.
Certificate of competency. See within this title, "Certificate of Competency".
Defined, § 13-101.
Examination. See within this title, "Board of Electrical Examiners".
Permits. See within this title, "Permits".
Required to qualify before doing electrical work, § 13-143.
Unlawful use of name, § 13-144.
Materials.
Approval, § 13-179.
Motors.
Nonportable motors, § 13-148.
Municipal electric plant, char., § 1-119.

ELECTRICITY—Cont'd
Neon lighting.
Conductors for neon and cold cathode high-voltage tubing, § 13-181.
Interior neon or cold cathode lighting, § 13-176.
Metal boxes housing circuits for neon lighting, § 13-187.
Sign installations, § 13-187.
Occupational license, §§ 13-124, 13-125.
Outlets.
Maximum number of outlets permitted per circuit.
Table No. 1, § 13-198.
Portable electric tools, § 13-159.
Reachable from grounded floors, § 13-151.
Wall switches on sign outlets and window lighting, § 13-165.
Penalty.
Violation of title, § 13-106.
Permits.
Application, § 13-136.
Concealment of work prior to inspection, § 13-138.
Defective work.
Failure to correct defective work, § 13-137.
Inspection.
Concealment of work prior to inspection, § 13-138.
Fees, § 13-139.
Issuance.
Home owners, § 13-135.
Maintenance electricians, § 13-134.
To whom, § 13-133.
Required, § 13-132.
Portable equipment or appliances, § 13-167.
Power magazine.
Keeper of power magazine.
Power of city manager, char., § 1-225.
Purpose of title, § 13-103.
Raceways.
Grounding metal raceways, § 13-185.
Ranges, § 13-146.
Receptacles.
Number of receptacles in certain rooms, § 13-153.
Refrigerators, § 13-161.

ELECTRICITY—Cont'd
Right of entry.
Electrical inspector, § 13-122.
Rules and regulations.
Additional regulations, § 13-180.
Service.
Temporary service, § 13-170.
Signmaster electrician.
All work to be done by qualified electricians, § 13-141.
Bond, § 13-105.
Certificate of competency. See within this title, "Certificate of Competency".
Defined, § 13-101.
Examination. See within this title, "Board of Electrical Examiners".
Permits. See within this title, "Permits".
Required to qualify before doing electrical work, § 13-143.
Unlawful use of name, § 13-144.
Signs.
Box signs.
Inspection, § 13-182.
Conductors for neon and cold cathode high-voltage tubing, § 13-181.
Grounding metal raceways, § 13-185.
Inspection.
Shop inspection of box signs, § 13-182.
Interior window signs and window-border lighting, § 13-175.
Neon and cold cathode high-voltage tubing.
Conductors, § 13-181.
Neon lighting.
Metal boxes housing circuits for neon lighting, § 13-187.
Portable signs, § 13-167.
Regulation of electric signs, § 4-210.
Switches.
Sign box switches, § 13-186.
Tabulation glass and bare wire, § 13-184.
Wall switches on sign outlets and window lighting, § 13-165.
Wires.
Bare wire, § 13-184.
Slim-line lighting, § 13-160.

ELECTRICITY—Cont'd
Slim-line or end-to-end fixtures.
Wiring, § 13-168.
Standards.
Minimum standards, § 13-140.
Storage.
Cold storage plants and rooms, § 13-161.
Store front.
One branch circuit for each store front, § 13-164.
Streets and sidewalks.
Making of underground connections before paving, char., § 1-2216.
Switches.
Sign box, § 13-186.
Wall switches on sign outlets and window lighting, § 13-165.
Tampering with electrical installations.
Prohibited, § 13-155.
Temporary installations.
Supervision, § 13-178.
Temporary service, § 13-170.
Timeclocks, § 13-174.
Title of ordinance, § 13-102.
Toilets.
Lighting, § 13-166.
Tools.
Outlets for portable electric tools, § 13-159.
Transformers, § 13-174.
Enclosures, § 13-183.
Sign installations.
Enclosures, § 13-183.
Transient installations.
Supervision, § 13-178.
Tubing.
Metallic tubing in high voltage wiring systems, § 13-173.
Washing machines, § 13-149.
Water heaters, § 13-147.
Window display lighting, § 13-162.
Wiring.
Authority of electrical inspector to disconnect hazardous wiring, § 13-121.
Buildings.
Altered, remodeled or extended, § 13-194.
Excepted dwellings, § 13-195.
Less than eleven hundred square feet, § 13-189.

ELECTRICITY—Cont'd
Wiring—Cont'd
Buildings—Cont'd
More than eleven hundred square feet, § 13-188.
Public buildings, § 13-196.
Circuit panels.
Location, § 13-191.
Dwellings.
Excepted dwellings, § 13-195.
Exceptions, § 13-199.
High voltage wiring systems.
Metallic tubing in, § 13-173.
Main switches.
Marking, § 13-192.
Meters.
Marking, § 13-192.
New installations, § 13-193.
Service disconnecting switches.
Location, § 13-191.
Slim-line or end-to-end fixtures, § 13-168.
Sockets.
Mogul base sockets, § 13-197.
Sub-main switches.
Marking, § 13-192.
Switches.
Main switches.
Marking, § 13-192.
Service disconnecting switches.
Location, § 13-191.
Sub-main switches.
Marking, § 13-192.
Variations.
Authorized, § 13-190.

ELLIS SQUARE.
Conveyance to district authority, char., § 1-805.
Improvements.
Borrowing funds for erecting, etc., char., § 1-804.
Parking.
Use for public parking.
Charge for facilities, char., § 1-803.
Generally, char., § 1-801.
Revenue certificates, char., § 1-802.
Right to lease and charge for facilities, char., § 1-803.

EMBALMING ROOMS.
See Funeral Homes.

EMERGENCY VEHICLES.
Motor vehicles and traffic.
Driving through funeral processions, § 22-127.
Sirens.
Use permitted, § 23-106.

EMINENT DOMAIN.
See Condemnation.

EMPLOYEES.
See Officers and Employees.

EMPLOYMENT.
Contracts and purchases.
Contract provisions relative to labor, wages, etc., § 11-102.

EXECUTIONS.
Licenses.
Issuance by city treasurer, § 3-709.
Municipal Court.
Effect of, char., § 1-570.
Levy of executions, char., § 1-553.
Streets and sidewalks.
Proceedings on executions for pavements, sidewalks or curbings, char., § 1-2215.
Repair of sidewalk by city.
Execution therefor, § 30-205.
Taxation.
General duties of marshal relative to, § 32-101.
Industrial areas adjacent to city.
Land and improvements in, § 32-117.
Issuance by city treasurer, § 3-709.
Treasurer.
Issuance, § 3-709.
Water.
Waiver of right to issue execution for water rent, § 37-237.
Water charges, char., § 1-2508.

EXHIBITIONS.
Permits for miscellaneous entertainment, § 28-112.

EXPLOSIONS AND EXPLOSIVES.
Fire protection.
Keeper of powder magazine.
Appointment, § 14-128.
Attendance at magazine required, § 14-129.

EXPLOSIONS AND EXPLOSIVES—Cont'd
Fire protection—Cont'd
Keeper of powder magazine—Cont'd
Duty relative to socks for use in magazine, § 14-130.
Sale or use of detonating or fulminating substances.
Generally, § 14-105.
Storage of gunpowder, § 14-107.
Harbor and port of Savannah.
Special provisions relative to vessels carrying, § 18-214.
Liquefied petroleum gas, §§ 14-401 to 14-407.
See Fire Protection.

F

FACTORY SITES.
District authority.
Authority as to, char., § 1-1917.

FAIRS.
Contracts with and contributions to fair associations, char., § 1-138.
Contributions to fair associations, char., § 1-138.
Electricity.
Supervision of electrical installations, § 13-157.

FALSE FIRE ALARMS.
Prohibited, § 14-117.

FALSE STATEMENTS AND FALSE PRETENSES.
Misrepresentation as to destitute condition, § 24-126.
Sale of merchandise generally, § 24-135.

FARMERS.
Peddlers of farm and orchard products, §§ 15-401 to 15-409.
See Peddlers of Farm and Orchard Products.

FEDERAL AID.
Airport, char., § 1-1220.

FEES.
Buildings.
Permit fees, § 9-209.

FEES—Cont'd
City Court.
Filing fees, char., § 1-5119.
Generally, char., § 1-5118.
Clerk.
City Court.
Fee system abolished, char., § 1-597.
Electricity.
Certificate of competency.
Renewal fee, § 13-128.
Inspection fees, § 13-139.
Harbor and port of Savannah.
Harbormaster, §§ 18-123, 18-124.
Officers.
Paid into treasury, § 3-112.
Failure, § 3-112.
Plumbing.
Examination of applicants for plumbers proficiency cards, § 26-315.
Inspections and tests, § 26-4117.
Sheriff fees.
City Court.
Fee system abolished, char., § 1-5101.
Municipal Court.
Sheriff not to receive fees for own use, char., § 1-539.
Water.
Restoration of water service, § 37-225.

FENCES.
Advertising.
Signs on.
Consent of owner required, § 4-103.
Barbed wire fences.
Prohibited, § 30-128.
Buildings.
Agreement to build, char., § 1-1401.
Cemeteries.
Approved, § 10-120.
Gates not to be left open, § 30-111.
Junk and secondhand goods.
Junk yard or motor vehicle salvage business, §§ 20-106, 20-107.
Notice of desire to build, char., § 1-1402.

FENCES—Cont'd
Regulation.
Authority to regulate by ordinance, char., § 1-1404.
Repair.
Costs, char., § 1-1403.

FERRIES.
Appropriations, char., § 1-904.
Charges.
Transportation charges, char., § 1-904.
City may act alone or in conjunction with others, char., § 1-903.
Establishment.
Right of city, char., § 1-901.
Franchises.
Existing franchise.
City may acquire, char., § 1-902.
Operation.
Right of city, char., § 1-901.
Rules, char., § 1-904.
Transportation charges, char., § 1-904.

FILLING STATIONS.
Fuel oil tanks within street lines, §§ 30-105 to 30-109.
See Streets and Sidewalks.
Gas and oil traps required, §§ 14-112, 26-498.
Streets and sidewalks.
Gasoline tanks and filling stations within street and sidewalk lines, char., § 1-2210.
Prohibited, char., § 1-2210.
Zoning.
Erection on lots 24 and 26, Southville Ward, § 38-141.

FINANCE.
Bonds.
Director of finance, § 3-115.
Department.
Director. See within this title, "Director."
Established, § 3-601.
Functions.
Generally, § 3-602.
Director.
Accounts with collecting officers, § 3-608.
Appointment, § 3-604.
Balance sheet.
Annually, § 3-614.

FINANCE—Cont'd
Director—Cont'd
Bond issues.
Custodian of unissued city bonds, § 3-606.
Checks or vouchers.
Signatures, § 3-109.
City manager.
Monthly statement to, § 3-612.
Claims.
Examination and audit, § 3-610.
Departments.
Supervision of bookkeeping in other departments, § 3-609.
Duties.
Keeping set of general books, § 3-607.
Examination, audit, etc., of vouchers and claims, § 3-610.
Office created, § 3-603.
Paymaster, §§ 3-901 to 3-905.
See Paymaster.
Reconciliation of general ledger and auxiliary books.
Monthly, § 3-611.
Records.
Report of errors and discrepancies in records, § 3-613.
Salary, § 3-605.
Statement.
Annual statement, § 3-614.
Monthly statement to city manager, § 3-612.
Taxation.
Charge city marshal with amount of specific taxes, § 32-107.
Term, § 3-604.
Vouchers.
Examination and audit, § 3-610.

FINES.
See Penalties.

FINGERPRINTING.
Police.
General authority relative to, § 27-101.

FIREARMS, §§ 24-105 to 24-109.
See Weapons.

FIRE DEPARTMENT, §§ 14-201 to 14-209.
See Fire Protection.

FIRE MARSHAL.
Appointment, § 14-102; char., § 1-125.
Arrest.
Power to make arrest, char., § 1-126.
Chatham County.
Investigation, char., § 1-127.
Combining with other city office.
Authority, char., § 1-130.
Duties.
General duties, § 14-103; char., § 1-125.
Government of office.
Laws for, char., § 1-129.
Investigation.
Fires in Chatham County, char., § 1-127.
Laws for government of office, char., § 1-129.
Police.
Use of policemen, char., § 1-128.
Position created, § 14-101.
Remuneration, char., § 1-130.
Witnesses.
Power to subpoena witnesses, char., § 1-126.

FIRE PROTECTION.
Acetylene generating apparatus.
Installation and use, § 14-110.
Airports, char., § 1-1204.
Auditorium.
Smoking in auditorium and other places of assembly, § 14-122.
Balloons.
Sale and use of fire balloons prohibited, § 14-113.
Buildings.
Burning pitch, tar, etc., near.
Prohibited, § 14-121.
Demolition of buildings in vicinity of fires, § 14-114.
Shaftways in commercial buildings, § 14-127.
Calcium carbide.
Storage, § 14-106.
Transportation, § 14-106.
Cemeteries.
Bonfires prohibited, § 10-153.

FIRE PROTECTION—Cont'd
Cleaning and dyeing establishments.
Gas and oil traps required, § 14-112.
Code.
Fire Prevention Code.
Adopted, § 14-301.
Amendments, § 14-302.
Violations, § 14-303.
Corporate limits.
Fires beyond city limits.
Extinguishment, char., § 1-124.
Electricity.
Fire alarm and similar systems, § 13-172.
Generally, §§ 13-101 to 13-199.
See Electricity.
Installations damaged by fire, § 13-169.
Explosions and explosives.
Keeper of powder magazine.
Appointment, § 14-128.
Attendance at magazine required, § 14-129.
Duty relative to socks for use in magazine, § 14-130.
Sale or use of detonating or fulminating substances.
Generally, § 14-105.
Storage of gunpowder, § 14-107.
False fire alarms.
Prohibited, § 14-117.
Fire department.
Appointment of members, § 14-207.
Chief.
Appointment, § 14-201.
Authority at fires, § 14-204.
Duties, § 14-202.
Relative to equipment and purchases, § 14-203.
Generally, § 14-201.
Power of city manager, char., § 1-225.
Powers, § 14-202.
Report.
Annual report, § 14-205.
Rules and regulations, § 14-206.
Term, § 14-201.
Firemen.
Wages, char., § 1-208.

FIRE PROTECTION—Cont'd
Fire department—Cont'd
Interference with members of property.
By obstructing streets, lanes, etc., § 14-209.
Generally, § 14-208.
Fire limits.
Established, § 9-208.
Fire marshal, §§ 14-101 to 14-103; char., §§ 1-125 to 1-130.
See Fire Marshal.
Fires.
Authority of fire chief, § 14-204.
Beyond city limits.
Extinguishment of fires beyond city limits, char., § 1-124.
Congregating near.
Prohibited, § 14-120.
Demolition of buildings in vicinity of fires, § 14-114.
Obstructing streets, lanes, etc., § 14-209.
Fireworks.
Sale and use of fire balloons prohibited, § 14-113.
Garages.
Gas and oil traps required, §§ 14-112; 26-498.
Public garages not to be located in residental building, § 14-116.
Gasoline.
Delivery of petroleum products, § 14-109.
Fuel oil tanks within street lines, §§ 30-105 to 30-109.
See Streets and Sidewalks.
Liquefied petroleum gas. See within this title, "Liquefied Petroleum Gas".
Not to be emptied into sewers, § 14-111.
Traps required in certain establishments, §§ 14-112; 26-498.
Generally, char., § 1-123.
Gunpowder.
Storage, § 14-107.
Harbor and port of Savannah, §§ 18-201 to 18-214.
See Harbor and Port of Savannah.

FIRE PROTECTION—Cont'd
Hotels.
Bulletin to be posted at hotels, § 14-125.
Report of fires, § 14-126.
Setting fire to bedding, furniture, etc., § 14-124.
Inflammable liquids.
Delivery of.
Generally, § 14-108.
Liquefied petroleum gas.
Appliances.
Adjusting, § 14-405.
Testing, § 14-405.
Containers.
Repairing, § 14-404.
Delivery vehicles.
Parking and storing, § 14-406.
Piping.
Approval by city council, § 14-401.
Inspection, § 14-402.
Meeting certain standards, § 14-403.
Transportation.
Carelessness in, § 14-407.
Use.
Approval by city council, § 14-401.
Valves, etc.
Opening on consumer's premises, § 14-404.
Motor vehicles and traffic.
Driving on streets during fires, § 22-118.
Petroleum products.
Delivery of petroleum products, § 14-109.
Liquefied petroleum gas. See within this title, "Liquefied Petroleum Gas".
Pitch and tar.
Burning near buildings prohibited, § 14-121.
Plumbing.
Gas and oil traps required in certain establishments, §§ 14-112; 26-498.
Port of Savannah, §§ 18-201 to 18-214.
See Harbor and Port of Savannah.
Public assembly.
Smoking in, § 14-122.

FIRE PROTECTION—Cont'd
Public places.
Fires in public places.
Prohibited, § 14-104.
Rooming houses.
Bulletin to be posted, § 14-126.
Report of fires, § 14-126.
Setting fire to bedding, furniture, etc., § 14-124.
Rules and regulations.
Fire department, § 14-206.
Schools.
Fire drills in schools, § 14-115.
Sewers.
Gasoline, etc., not to be emptied into, § 14-111.
Shaftways.
Commercial buildings, § 14-127.
Signal boxes.
Interference with.
Generally, § 14-118.
Unauthorized making, use, etc., of signal box keys, § 14-119.
Smoking.
Beds.
Prohibited, § 14-123.
Hotels, rooming houses, etc.
Bulletin to be posted, § 14-125.
Reports of fires, § 14-126.
Setting fire to bedding, furniture, etc., § 14-124.
In auditorium and other places of public assembly, § 14-122.
Streets and sidewalks.
Obstructing prohibited, § 14-209.
Tourist courts.
Bulletin to be posted, § 14-125.
Report of fires, § 14-126.
Setting fire to bedding, furniture, etc., § 14-124.
Water.
Abuse of privileges, § 37-309.
Apparatus.
Testing, § 37-306.
Application for service, § 37-301.
Authorization of installation of facilities, § 37-301.
Connections.
Expenses of, § 37-302.
Who may make, § 37-302.

FIRE PROTECTION—Cont'd
Water—Cont'd
Drain valves.
Closed and sealed, § 37-305.
Inspection.
Service, § 37-304.
Installation.
Report, § 37-303.
Notice when seal broken, § 37-307.
Repairs.
Expenses, § 37-302.
Sprinkler systems.
Exempt from charges, § 37-308.

FIREWORKS.
Cemeteries.
Discharge prohibited, § 10-152.
Sale and use of fire balloons prohibited, § 14-113.

FISCAL YEAR, § 2-110.

FISH.
Streets and sidewalks.
Sale prohibited on, § 15-106.
Wholesalers of perishables, §§ 15-501 to 15-508.
See Wholesalers of Perishables.

FLATS.
Defined, § 37-214.

FOOD AND FOOD ESTABLISHMENTS.
Adulterated or unwholesome food or drink.
Condemnation, § 15-102.
Examination and condemnation, § 15-508.
Agriculture.
Peddlers of farm and orchard products, §§ 15-401 to 15-409.
See Peddlers of Farm and Orchard Products.
Bakeries.
Delivery wagons, § 15-212.
Condemnation.
Unwholesome or adulterated food or drink, §§ 15-102, 15-508.
Dispensary.
Keeper of city dispensary.
Power of city manager, char., § 1-225.

FOOD AND FOOD ESTABLISHMENTS—Cont'd
Examination.
Food and drink samples, § 15-102.
Fish.
Streets and sidewalks.
Sale prohibited on, § 15-106.
Wholesalers of perishables, §§ 15-501 to 15-508.
See Wholesalers of Perishables.
Food establishments.
Definition, § 15-201.
Health officer.
Right of entry, §§ 15-101, 15-210.
Inspection, § 15-210.
Milk and milk products.
Storage in, § 21-114.
Permit.
Application, § 15-203.
Business at other than designated place.
Prohibited, § 15-206.
Change of location, § 15-207.
Inspection of premises, § 15-204.
Issuance, § 15-204.
Temporary permit, § 15-209.
Location.
Change of location, § 15-207.
Persons entitled to permits, § 15-208.
Required, § 15-202.
Revocation, § 15-209.
Soda fountain.
Revocation of soda fountain permit in case of epidemic, § 15-213.
Temporary permit.
Issuance, § 15-209.
Term, § 15-205.
Transfer, § 15-207.
Right of entry, §§ 15-101, 15-210.
Fruits.
Wholesalers of perishables, §§ 15-501 to 15-508.
See Wholesalers of Perishables.

FOOD AND FOOD ESTABLISHMENTS—Cont'd
Fruits and vegetables.
Peddlers of farm and orchard products, §§ 15-401 to 15-409.
See Peddlers of Farm and Orchard Products.
Garbage and trash.
Public eating places.
Accumulation prohibited, § 15-213.
Health and sanitation.
Public eating places. See within this title, "Food Establishments".
Health officer.
Right to enter food establishments, §§ 15-101, 15-210.
Hotels. See within this title, "Food Establishments".
Housing.
Certain rooms not to be used in preparation of food, § 19-143.
Inspector.
Power of city manager, char., § 1-225.
Meat and meat products, §§ 15-103 to 15-105.
See Meat and Meat Products.
Milk and milk products.
Generally, §§ 21-101 to 21-115.
See Milk and Milk Products.
Oysters.
Wholesalers of perishables, §§ 15-501 to 15-508.
See Wholesalers of Perishables.
Paper cups.
Soda fountain.
Use of paper cups may be required, § 15-213.
Perishables.
Wholesalers of perishables, §§ 15-501 to 15-508.
See Wholesalers of Perishables.
Permits. See within this title, "Food Establishments".
Pushcarts.
Sales from prohibited, § 15-107.
Restaurants. See within this title, "Food Establishments".

FOOD AND FOOD ESTABLISHMENTS—Cont'd
Right of entry.
Health officer's right to enter food establishments, §§ 15-101, 15-210.
Sales.
Pushcarts.
Prohibited, § 15-107.
Samples.
Examination, § 15-102.
Slaughterhouses, §§ 15-301 to 15-328.
See Meat and Meat Products.
Soda fountains.
Paper cups.
Use of paper cups may be required when, § 15-213.
Permits.
Revocation of soda fountain permits in case of epidemic, § 15-213.
Taverns. See within this title, "Food Establishments".
Vegetables.
Wholesalers of perishables, §§ 15-501 to 15-508.
See Wholesalers of Perishables.
Waste, § 15-108.
Wholesalers.
Perishables, §§ 15-501 to 15-508.
See Wholesalers of Perishables.

FORTUNETELLING.
Prohibited, § 24-111.

FOSTER HOMES.
Chatham County.
Registration of children with county welfare department, § 16-109.
Day nurseries and kindergartens.
See Day Nurseries and Kindergartens.
Definitions, § 16-101.
Dismissal of child.
Notice, § 16-111.
Inspection.
Filing application for permit constitutes agreement, § 16-105.
Notice when child is released or dismissed, § 16-111.

FOSTER HOMES—Cont'd
Number of children.
Maximum number, § 16-110.
Permit.
Application.
Filing constitutes inspection agreement, § 16-105.
Generally, § 16-103.
Reference to and report thereon by county welfare department, § 16-104.
Issuance, § 16-106.
Renewal, § 16-107.
Required, § 16-102.
Revocation, § 16-108.
Registration.
Children with county welfare department, § 16-109.
Release of child.
Notice, § 16-111.

FOWL, §§ 6-101 to 6-112.
See Animals and Fowl.

FRANCHISES.
Electricity.
Right of holder of city franchise to perform electrical installations, etc., § 13-142.
Ferries.
Existing franchise.
City may acquire, char., § 1-902.

FRANKLIN SQUARE.
Market.
Farmers' wholesale market, char., § 1-117.

FRUITS.
Fruit punch establishments.
Food and food establishments generally, §§ 15-201 to 15-213.
See Food and Food Establishments.
Fruit stands.
Zoning.
Operation prohibited in certain areas, § 38-142.
Peddlers of farm and orchard products, §§ 15-401 to 15-409.
See Peddlers of Farm and Orchard Products.
Wholesalers of perishables, §§ 15-501 to 15-508.
See Wholesalers of Perishables.

FUEL OIL TANKS.
Underground within street lines, §§ 30-105 to 30-109.
See Streets and Sidewalks.

FUMIGATION.
Harbor and port of Savannah.
Vessels in harbor, §§ 18-116.

FUNDS.
Sinking fund, §§ 3-1301 to 3-1312.
See Sinking Fund.

FUNERAL HOMES.
Contagious and infectious diseases.
Autopsies.
Notice of, § 29-120.
Conveyance of certain bodies.
Prohibited, § 29-119.
Public funerals prohibited in certain cases, § 29-118.
Permit.
Application, § 24-113.
Denial, § 24-114.
Required, § 24-112.
Zoning.
Operation prohibited in certain areas, § 38-142.

FUNERAL PROCESSIONS.
Motor vehicles and traffic.
Driving through, § 22-122.

G

GAMBLING.
Frequenting gambling places, § 24-117.
Possession of paraphernalia, § 24-116.
Prohibited.
General prohibition, § 24-115.
Trade stimulating or mechanical game devices generally.
Notice as to prohibition, § 28-103.

GARAGES.
Fire protection.
Gas and oil traps required, §§ 14-112, 26-498.
Public garages not to be located in residential building, § 14-116.
Zoning.
Public garages.
Operation prohibited in certain areas, § 38-142.

GARBAGE AND TRASH.
Boxes.
Disposition, § 17-113.
Cemeteries.
Accumulation of boxing material prohibited, § 10-119.
Removal of refuse, § 10-155.
Charges.
Accounts.
Treasurer to keep account of, char., § 1-1007.
Billing, char., § 1-1003.
Charges are independent of other taxes, char., § 1-1010.
Checks on funds, char., § 1-1008.
Collection.
Authority, char., § 1-1001.
Deposit and use of revenue, char., §§ 1-1006, 1-1007.
Funds.
Checks on funds, char., § 1-1008.
Investment, char., § 1-1009.
Safeguarding, etc., char., § 1-1007.
Payment.
By whom payable, char., § 1-1002.
Failure to pay, char., § 1-1005.
When due and payable, char., § 1-1004.
Portion of month.
Charge for, char., § 1-1002.
Revenue.
Deposit and use, char., § 1-1006.
Safeguarding, etc., funds, char., § 1-1007.
Taxes.
Charges are indedpendent of other taxes, char., § 1-1010.
Use of revenue, char., § 1-1006.
Collection.
By city, § 17-101.
Garbage collection, char., § 1-132.
Powers.
Generally, char., § 1-1702.
Debris.
Removal of debris after building or demolition operations, § 9-106.

GARBAGE AND TRASH—Cont'd
Deposits prohibited.
Private property and vacant lots, § 17-103.
Streets, § 17-102.
Food and food esablishments.
Public eating places.
Accumulation prohibited, § 15-213.
Harbor and port of Savannah.
Deposit of refuse matter, § 18-113.
Housing.
Duty of occupant relative to rubbish and garbage disposal, § 19-150.
Receptacles.
Garbage receptacles.
Cover, § 17-105.
Handles, § 17-105.
Required, §§ 17-104, 19-139.
Size, § 17-106.
Trash receptacles.
Cover, § 17-108.
Handles, § 17-108.
Marking, § 17-110.
Required, §§ 17-108, 19-139.
Size, § 17-109.
Unauthorized interference with, § 17-112.
Storage containers.
Use of dumpster hoist-type units for storage, § 17-111.
Generally, § 19-139. See within this title, "Receptacles."
Streets and sidewalks.
Deposit in streets prohibited, § 17-102.
Glass, nails, etc., prohibited, § 30-118.
Waste in streets and lanes prohibited, § 30-116.
Trailer lots, camps and parks.
Disposition of garbage and rubbish, § 35-113.
Weeds.
Generally.
See Weeds.

GAS.
Liquefied petroleum gas, §§ 14-401 to 14-407.
See Fire Protection.
Plumbing.
Traps required for certain establishments, §§ 14-112; 26-498.

GAS—Cont'd
Streets and sidewalks.
Connections.
Authority to make, char., § 1-2225.
Making of underground connections before paving, char., § 1-2216.

GASOLINE.
Delivery of petroleum products, § 14-109.
Fire protection.
Not to be emptied into sewers, § 14-111.
Traps required in certain establishments, §§ 14-112; 26-498.
Liquefied petroleum gas, §§ 14-401 to 14-407.
See Fire Protection.
Streets and sidewalks.
Fuel oil tanks within street lines, §§ 30-105 to 30-109.
See Streets and Sidewalks.
Gasoline tanks and filling stations within street and sidewalk lines, char., § 1-2210.

GATES.
Streets and sidewalks.
Left open prohibited, § 30-111.

GOLD.
Junk and secondhand goods.
Retention of secondhand gold, § 20-104.

GROCERY STORES.
Zoning.
Size of grocery or green grocery stores within certain area of city, § 38-156.

GROUND-RENT.
Property.
Future sale of city property on ground-rent basis prohibited, § 3-105.
Re-entry and sale of land previously sold on ground-rent basis, § 3-106.

GUANO.
Storage in certain area prohibited, § 24-119.

GUNPOWDER.
Storage, § 14-107.

H

HABEAS CORPUS.
City Court.
Powers of judge, char., § 1-5128.

HARBOR AND PORT OF SAVANNAH.
Arbitration.
Disputes, § 18-125.
Authority, char., §§ 1-1901 to 1-1924.
See District Authority.
Bridges.
See Bridges.
Buoys.
Anchoring to, § 18-119.
Mooring to, § 18-119.
Canal.
Obstructing mouth of prohibited, § 18-121.
Compliance with title, § 18-101.
Cotton and gunnies.
Cargo to be covered, § 18-213.
Fire hose to be coupled, § 18-203.
Lights in holds prohibited, § 18-209.
Painting holds prohibited, § 18-210.
Smoking prohibited, § 18-202.
Water barrels and buckets required, § 18-207.
District authority, char., §§ 1-1901 to 1-1924.
See District Authority.
Docks.
Deposit of merchandise or debris on public dock, § 18-105.
Municipal docks, etc., char., § 1-122.
Dredges.
Steamers or motor vessels passing, § 18-109.
Dumping.
Material in river generally, § 18-112.
Explosions and explosives.
Special provisions relative to vessels carrying, § 18-214.
Fees.
Harbormaster, §§ 18-123, 18-124.
Fire regulations.
Explosions and explosives.
Special provisions relative to vessels carrying, § 18-214.

HARBOR AND PORT OF SAVANNAH—Cont'd
Fire regulations—Cont'd
Fire hose to be coupled, etc., § 18-203.
Fires to be in metal boxes, § 18-204.
Fire warps.
Required, § 18-204.
Inflammable cargo to be covered, § 18-212.
Lights in holds, § 18-209.
Matches.
Making or useing during loading or unloading operations, § 18-211.
Painting holds containing cotton or gunnies, § 18-210.
Smoking.
During loading or unloading operations, § 18-208.
"No smoking" signs at places used for storing cotton, naval stores, etc., § 18-202.
On wharves, docks, etc., prohibited, § 18-201.
Talmadge Bridge.
No smoking on bridge, § 18-212.
Spark arresters for funnels and smokestacks, § 18-204.
Vessels.
Fires on vessels lying alongside wharves or other vessels, § 18-206.
Water barrels and buckets required in certain cases, § 18-207.
Whistle or siren in event of fire, § 18-205.
Fumigation.
Vessels in harbor, § 18-116.
Garbage and refuse.
Deposit of refuse matter, § 18-113.
Handling loose material between ship and shore, § 18-111.
Harbormaster.
Authority to board vessels, § 18-106.
Failure to move vessel on order of harbor master, § 18-108.

HARBOR AND PORT OF SAVANNAH—Cont'd
Harbormaster—Cont'd
Fees, § 18-123.
Arbitration of disputes, § 18-125.
Failure to pay, § 18-124.
Generally, § 18-123.
Obedience to directions of.
Generally, § 18-107.
Orders.
Failure to move vessel on order, § 18-108.
Power of city manager, char., § 1-225.
Inflammable cargo.
Covering, § 18-213.
Iron.
Skids required for loading scrap iron and steel rails, § 18-114.
Jurisdiction over vessels and crews in Savannah River, char., § 1-108.
Lines.
Harbor lines, char., § 1-107.
Adopted, § 18-103.
Structures beyond harbor lines prohibited, § 18-104.
Port limits, § 18-102.
Mufflers.
Outboard motors, § 18-120.
Oil.
Deposit of oil prohibited, § 18-115.
Petroleum.
Deposit of oil prohibited, § 18-115.
Port limits, § 18-102.
Port wardens.
Power of city manager, char., § 1-225.
Procedure.
Hauling past, lying alongside, etc., another vessel, § 18-110.
Rafts.
Breaking up rafts, § 18-122.
Rat control.
Rat guards, § 18-126.
Rules and regulations, § 18-101.
Sewer.
Obstructing mouth of.
Prohibited, § 18-121.
Siren in event of fire, § 18-205.

HARBOR AND PORT OF SAVANNAH—Cont'd
Smoking.
During loading or unloading operations, § 18-208.
"No smoking" signs at places used for storing cotton, naval stores, etc., § 18-202.
Prohibited on wharves, docks, etc., § 18-201.
Talmadge Bridge.
No smoking on bridge, § 18-212.
Spark arresters.
Required for funnels and smokestacks, § 18-204.
Structures.
Beyond harbor lines.
Prohibited, § 18-104.
Talmadge Bridge.
Smoking.
No smoking on, § 18-212.
Vendue masters.
Power of city manager, char., § 1-225.
Vessels.
Anchored vessels.
Lights on, § 18-118.
Arbitration of disputes, § 18-125.
Fires on vessels lying alongside wharves or other vessels, § 18-206.
Fumigation, § 18-116.
Hatches to be covered at end of day, § 18-117.
Holds.
Explosives.
Special provisions relative to vessels carrying, § 18-214.
Inflammable cargo to be covered, § 18-213.
Lights in, § 18-209.
Loading or unloading.
Making use of matches prohibited, § 18-211.
Painting when containing cotton or gunnies, § 18-210.
Jurisdiction over vessels and crews in Savannah River, char., § 1-108.
Lights in holds, § 18-209.
Lights on anchored vessels, § 18-118.

HARBOR AND PORT OF SAVANNAH—Cont'd
Vessels—Cont'd
Mufflers on outboard motors, § 18-120.
Procedure for hauling past, lying alongside, etc., another vessel, § 18-110.
Rat guards.
Required, § 18-126.
Steamers and motor vessels passing wharves, dredges, etc., § 18-109.
Water barrels and buckets required in certain cases, § 18-207.
Wharves.
Control, repair, etc., of wharves generally, char., § 1-121.
Deposit of merchandise or debris on public wharves prohibited, § 18-105.
District authority.
Authority relative to, char., § 1-1917.
Municipal wharves, docks, etc., char., § 1-122.
Rights in Wharf Head transferred to city, char., § 1-120.
Steamers or motor vessels passing, § 18-109.
Whistle in event of fire, § 18-205.

HEALTH AND SANITATION.
Animals and fowl.
Sanitary facilities required where animals and fowl are kept, § 6-106.
Bacteriologist.
Power of city manager, char., § 1-225.
Burials.
Generally.
Interments.
See Cemeteries.
Time limit on, § 29-117.
Charges.
Cleaning privy vaults, surface drawers and dry wells, char., § 1-1704.
Lien for city, char., § 1-1704.
Churches.
Closing to prevent spread of disease, § 29-113.

HEALTH AND SANITATION—Cont'd
City dispensary, §§ 29-201 to 29-209.
See City Dispensary.
Clinic.
Chief of clinic.
Power of city manager, char., § 1-225.
Contagious and infectious diseases.
Autopsies.
Notice of, § 29-120.
Closing, etc., of theatres, stores, etc., to prevent spread of disease, § 29-113.
Conveyance of certain bodies.
Public conveyances not to be used, § 29-119.
Funerals.
Public funerals prohibited in certain cases, § 29-118.
Removal of persons with, § 29-116.
Department.
Director.
Subdivision.
Approval of plan, § 31-105.
Dispensary, §§ 29-201 to 29-209.
See City Dispensary.
Garbage and trash.
See Garbage and Trash.
Health officer.
Animal hospitals, etc.
Inspection and sanitary installation, § 6-109.
Burial orders.
Required, § 10-112.
Consulting health officer.
Power of city manager, char., § 1-225.
Food and food establishments.
See Food and Food Establishments.
Meat establishments.
See Meat and Meat Products.
Power of city manager, char., § 1-225.
Right of entry, §§ 15-101, 15-210; 29-101.
Slaughterhouses.
General authority, § 15-321.
Hospitals, §§ 29-121 to 29-122; char., § 1-1703.
See Hospitals.

HEALTH AND SANITATION —Cont'd
Housing.
Generally, §§ 19-101 to 19-163.
See Housing.
Premises to be kept clean and sanitary, § 19-107.
Inspectors.
Chief of sanitary inspectors.
Power of city manager, char., § 1-225.
Jurisdiction.
Sanitary purposes, char., § 1-1701.
Laboratory employees.
Power of city manager, char., § 1-225.
Liens.
Cleaning of privy vaults, surface drawers and dry wells, char., § 1-1704.
Meat establishments, §§ 15-301 to 15-328.
See Meat and Meat Products.
Milk and milk products, §§ 21-101 to 21-115.
See Milk and Milk Products.
Mosquito control.
Collections of water in which mosquitoes breed.
Defined, § 29-109.
Evidence of breeding, § 29-110.
Treatment required, § 29-111.
Method of treatment, § 29-112.
Moving pictures.
Closing to prevent spread of disease, § 29-113.
Nuisances.
Abatement by marshal, § 29-104.
Complaints.
Record of, § 29-105.
Removal .
Generally, § 29-103.
Sanitary facilities required where animals and fowl are kept, § 6-106.
Nurses.
Public health nurses.
Power of city manager, char., § 1-225.

HEALTH AND SANITATION —Cont'd
Nurses—Cont'd
Supervisor of public health nurses.
Power of city manager, char., § 1-225.
Physician.
City physician.
Power of city manager, char., § 1-225.
Plumbing.
System to be maintained in sanitary condition, § 26-404.
Police.
Certain persons made special police for sanitary purposes, § 29-102.
Powers.
General powers relative to health and welfare, char., § 1-1702.
Prisons and prisoners.
Diseased persons.
Indeterminate confinement, char., § 1-527.
Privies.
Cleaning of privy vaults, char., § 1-1704.
Right of entry.
Health officers, §§ 15-101, 15-210; 29-101.
Sanitariums.
See Hospitals.
Schools.
Closing to prevent spread of disease, § 29-113.
Private schools.
Inspection of pupils, § 29-115.
Smallpox.
Vaccination.
Compulsory, § 29-114.
Spitting.
On sidewalks, etc.
Prohibited, § 29-108.
Subdivisions.
Approval of plan by director of health department, § 31-105.
Surface drawers, char., § 1-1704.
Theatres and shows.
Closing to prevent spread of disease, § 29-113.

HEALTH AND SANITATION —Cont'd
Trailer lots, camps and parks, §§ 35-101 to 35-114.
See Trailer Lots, Camps and Parks.
Vaccination.
Compulsory, § 29-114.
Penalty of failure, § 29-114.
Vegetable growth.
Cutting and removal, §§ 10-142, 29-106, 29-107; char., § 1-1705.
See Weeds.
Venereal disease.
Only physician to treat, § 29-123.
Weeds.
Cutting and removal, §§ 10-142; 29-106, 29-107; char., § 1-1705.
See Weeds.
Wells.
Dry wells, char., § 1-1704.

HEATING.
Fuel oil tanks within street lines, §§ 30-105 to 30-109.
See Streets and Sidewalks.
Housing facilities, § 19-128.

HIDES.
Green hides.
Curing and storing regulated, § 24-118.

HIGHWAY PATROL ACT.
Police court.
Jurisdiction of cases, char., § 1-529.

HISTORIC SITE AND MONUMENT COMMISSION.
Appointment, char., § 1-1803.
Clerks, char., § 1-1806.
Compensation.
Members to serve without compensation, char., § 1-1804.
Composition, char., § 1-1803.
Council.
Approval of council required for erection or restoration of monuments, char., § 1-1810.
Rights of mayor and council committees, char., § 1-1812.
Department of city government, char., § 1-1802.

HISTORIC SITE AND MONUMENT COMMISSION —Cont'd
Erection or restoration of monuments.
Approval of council required, char., § 1-1810.
Estimates.
Required, char., § 1-1811.
Expenses, char., § 1-1804.
Incorporation, char., § 1-1801.
Mayor.
Rights, char., § 1-1812.
Rights of mayor and council committees, char., § 1-1812.
Meetings, char., § 1-1808.
Officers, char., § 1-1805.
Offices, char., § 1-1807.
Powers.
Generally, char., § 1-1801.
Quorum, char., § 1-1809.
Reports.
Required, char., § 1-1811.
Secretary, char., § 1-1806.
State.
Conveyance of property to commission, char., § 1-1813.
Terms, char., § 1-1803.
Title to property.
Acceptance, char., § 1-1813.

HOGS.
Keeping prohibited, § 6-102.

HOLIDAYS.
See Sundays and Holidays.

HOMES.
Foster homes, §§ 16-101 to 16-111.
See Foster Homes.

HOSPITALS.
Acquisition of land outside of corporate limits.
Authority, char., § 1-112.
Animals and fowl.
Inspection, § 6-109.
Location near dwellings, § 6-108.
Sanitary installations, § 6-109.
Appropriations, char., § 1-1703.
Receiving charity patients, char., § 1-140.
City dispensary, §§ 29-201 to 29-209.
See City Dispensary.

HOSPITALS—Cont'd
Establishment.
Power, char., § 1-1703.
Licenses.
Private hospitals, sanitariums, etc., § 29-122.
Motor vehicles and traffic.
Operation of vehicles near, § 22-123.
Municipal hospital, char., § 1-1703.
Noise.
Unnecessary noise in hospital zones, § 23-105.
Police.
Reports.
Make certain reports to police, § 27-109.
Private hospitals, sanitariums, etc.
Generally, § 29-121.
License required, § 29-122.
Location.
Approval, § 29-121.
Rules and regulations, char., § 1-1703.

HOTELS.
Fire protection.
Bulletin to be posted at hotels, § 14-125.
Report of fires, § 14-126.
Setting fire to bedding, furniture, etc., § 14-124.
Food establishments, §§ 15-201 to 15-213.
See Food and Food Establishments.
Immoral purpose.
Use for, § 24-120.
Milk and milk products.
Storage in, § 21-114.
Requirements, § 19-155.
Rooming houses.
See Rooming Houses.

HOUSES.
Numbering, §§ 30-301 to 30-306.
See Streets and Sidewalks.

HOUSING.
Air space.
Excavation adjoining basement window, § 19-113.
Generally, § 19-111.
Sleeping rooms, § 19-112.

HOUSING—Cont'd
Basement.
Cellar space not to be used as dwelling unit or habitable room, § 19-145.
Defined, § 19-103.
Floors, § 19-117.
Use of basement space as dwelling unit or habitable room.
During construction of remainder of dwelling, § 19-147.
Generally, § 19-146.
Prohibited, § 19-145.
Ventilation, § 19-127.
Walls, § 19-117.
Bathrooms.
Ventilation, § 19-125.
Bathtubs, § 19-131.
Cellar.
Basement. See within this title, "Basement".
Defined, § 19-103.
City attorney.
Violation of title.
Duties of city attorney, § 19-161.
Clean and sanitary.
Premises to be kept, § 19-107.
Cleanliness of premises required, § 19-148.
Definitions, § 19-103.
Doors.
Watertight and weathertight, § 19-120.
Drainage, § 19-116.
Dwelling.
Defined, § 19-103.
Multiple dwelling.
Defined, § 19-103.
Dwelling unit.
Defined, § 19-103.
Electricity.
Electric circuits required, § 19-118.
Removal or discontinuance.
Prohibited, § 19-156.
Replacement of electric wiring and outlets, § 19-122.
Floors.
Basement, § 19-117.
Repair of floors around water closets, sinks, etc., § 19-136.
Floor space.
Calculation, § 19-110.
In rooms, § 19-109.

HOUSING—Cont'd
Floor space—Cont'd
Minimum.
Generally, § 19-108.
Food and food establishments.
Certain rooms not to be used in preparation of food, § 19-143.
Foundations, § 19-114.
Garbage and trash.
Duty of occupant relative to rubbish and garbage disposal, § 19-150.
Storage containers.
Generally, § 19-139.
Habitable room.
Defined, § 19-103.
Hallway.
Defined, § 19-103.
Ventilation, § 19-126.
Health and sanitation.
Premises to be kept clean and sanitary, § 19-107.
Heating.
Facilities, § 19-128.
Hotels.
Requirements, § 19-155.
Inspection, § 19-157.
Kitchen.
Sink, § 19-132.
Ventilation, § 19-124.
Lights.
Hallways, § 19-121.
Lot.
Drainage, § 19-116.
Maintenance.
Generally, § 19-106.
Multiple dwellings.
Storage of dangerous materials prohibited, § 19-142.
Nuisance.
Certain dwellings declared to be, § 19-105.
Occupants.
Cleanliness of premises.
Required, § 19-148.
Duties.
Generally, §§ 19-148 to 19-151.
Extermination of pests, § 19-151.
Plumbing fixtures, § 19-149.
Rubbish and garbage disposal, § 19-150.

HOUSING—Cont'd
Owner or occupant.
Notice to.
As to violation of title, §§ 19-158, 19-159.
Penalty.
Violation of title, § 19-162.
Permits.
Septic tanks, § 19-137.
Pests.
Extermination, § 19-151.
Plumbing.
Duties of occupants as to, § 19-149.
Fixtures to be provided with running water and connected to sewer, § 19-133.
Installation and maintenance of fixtures and pipes generally, § 19-129.
Installations to comply with title 26 of this Code, § 19-134.
Rooming houses, § 19-152.
Unsanitary plumbing fixtures, § 19-135.
Porches, § 19-115.
Premises.
Defined, § 19-103.
Privies.
Removal, § 19-138.
Required facilities or service.
Removal or discontinuance, § 19-156.
Rodents.
Control generally, § 19-141.
Roofs, § 19-114.
Rooming houses.
Defined, § 19-103.
Linens, § 19-153.
Plumbing facilities, § 19-152.
Responsibility of operator for sanitary conditions, § 19-154.
Room unit.
Defined, § 19-103.
Screens, § 19-140.
Septic tanks.
Permit, § 19-137.
Sewer.
Plumbing fixtures to be connected with, § 19-133.
Removal or discontinuance, § 19-156.
Shaft.
Defined, § 19-103.

HOUSING—Cont'd
Showers.
Required, § 19-131.
Sinks.
Repair of floors and walls around, § 19-136.
Sleeping.
Portions of buildings not to be used for sleeping, § 19-144.
Stairways, § 19-115.
Defined, § 19-103.
Storage.
Dangerous materials in multiple dwellings, § 19-142.
Title.
Applicability, § 19-104.
Purpose, § 19-102.
Short title, § 19-101.
Unfit or a nuisance.
Certain dwellings declared to be, § 19-105.
Ventilation.
Basements, § 19-127.
Bathrooms, § 19-125.
Habitable rooms, § 19-123.
Hallways.
Public hallways and stairways, § 19-126.
Kitchens, § 19-124.
Stairways, § 19-126.
Violation of title.
Duties of city attorney, § 19-161.
Hearing, § 19-160.
Notice to owner or occupant.
Generally, § 19-158.
Service, § 19-159.
Penalty, § 19-162.
Title to be enforced through recorder's court, § 19-163.
Walls.
Basement, § 19-117.
Repair around water closets, sinks, etc., § 19-136.
Water.
Removal or discontinuance.
Prohibited, § 19-156.
Water closets.
Removal of outside water toilets, § 19-138.
Repair of floors and walls around, § 19-136.
Required, § 19-130.
Windows.
Generally, § 19-119.
Watertight and weathertight, § 19-120.

HUMANE SOCIETY.
Dogs.
Impoundment by Society, § 6-209.

HUNTER AIR FORCE BASE.
Airfield zoning, §§ 38-201 to 38-217.
See Zoning.

I

ICEBOXES.
Abandonment.
Prohibited, § 24-121.
Electricity, § 13-161.
Refrigerators.
Generally.
See Refrigerators.

IMMORALITY.
See Obscenity and Immorality.

IMPOUNDMENT.
Dogs, §§ 6-204 to 6-209.
See Dogs.

IMPROVEMENTS.
Public improvements.
Department of public improvements, §§ 3-501 to 3-508.
See Public Improvements.

INDECENCY.
See Obscenity and Immorality.

INDECENT EXPOSURE.
Offenses, § 24-123.

INDUSTRIAL AREAS ADJACENT TO CITY.
District authority.
Plan to co-ordinate, char., § 1-1919.
Taxation.
Assessors.
Provided with map, § 32-115.
Compliance with constitutional amendment prerequisite to assessment or collection of tax, § 32-118.
Executions.
Unpaid taxes, § 32-117.
Land and improvements.
Listing on tax books, § 32-114.
Notice of tax, § 32-116.
Payment of tax, § 32-116.

INFANTS.
See Minors.

INFECTIOUS DISEASES.
See Contagious and Infectious Diseases.

INFLAMMABLE CARGO.
Harbor and port of Savannah.
Covering, § 18-213.

INFLAMMABLE LIQUIDS.
Fire protection.
Delivery of.
Generally, § 14-108.

INJUNCTIONS.
Tourist camps, roadhouses and similar places.
Violation of chapter, § 34-113.

INNS.
Food establishments, §§ 15-201 to 12-213.
See Food and Food Establishments.
Hotels.
See Hotels.

INSPECTORS.
Power of city manager, char., § 1-225.

INSURANCE.
Group insurance.
Officers and employees, §§ 3-116 to 3-119; char., § 1-209.
See Officers and Employees.
Old age and survivor's insurance, §§ 3-122 to 3-126.
See Officers and Employees.
Taxicabs and other vehicles for hire.
Action.
Right of action, § 33-306.
Amount, § 33-301.
Blanket policy, § 33-302.
Conditions, § 33-303.
Expiration, § 33-304.
Renewal, § 33-304.
Required, § 33-301.
Term, § 33-304.
Void.
Notice when, § 33-305.

INTEREST.
Sinking fund.
Investment of funds, § 3-1311.

INTOXICATING LIQUORS, §§ 5-101 to 5-121.
See Alcoholic Beverages.

IRON.
Harbor and port of Savannah.
Skids required for loading scrap iron and steel rails, § 18-114.
Scrap dealers in bulk.
Exempt from junk and secondhand goods title, § 20-124.

ITINERANT VENDORS, §§ 36-101 to 36-208.
See Transient Traders.

J

JAIL.
See Prisons and Prisoners.

JEWELRY.
Jewelers.
Keep record of watch repairs, § 24-124.
Junk and secondhand goods.
Record of purchases of secondhand jewelry, § 20-117.
Retention of secondhand jewelry, § 20-118.

JUDGES.
City Courts, char., §§ 1-5121 to 1-5129.
See Courts.
Municipal Court.
See Courts.
Police court.
Recorder.
See Courts.

JUDGMENTS.
Municipal court, char., §§ 1-568 to 1-570.
See Courts.

JUNK AND SECONDHAND GOODS.
Bicycles.
Bill of sale, § 20-122.
Inspection by police, § 20-121.
Purchase or exchange prohibited if serial number tampered with, § 20-123.
Report of purchases and exchange of used bicycles, § 20-119.
Retention, § 20-120.
Collecting vehicles for junk.
Certificate, § 20-112.
Defined, § 20-101.

JUNK AND SECONDHAND GOODS—Cont'd
Collecting vehicles for junk—Cont'd
License.
Use of, § 20-112.
License fee, § 20-112.
Operation at night.
Prohibited, § 20-116.
Operator's report, § 20-115.
Registration, § 20-113.
Tag, § 20-112.
Tag on another vehicle.
Prohibited, § 20-114.
Dealer.
Defined, § 20-101.
Definitions, § 20-101.
Exemptions from regulatory provisions.
Parties exempt, § 20-124.
Fences.
Junk yard or motor vehicle salvage business, §§ 20-106, 20-107.
Gold.
Retention of secondhand gold, § 20-104.
Iron scrap dealers in bulk.
Exempt from title, § 20-124.
Jewelry.
Record of purchases of secondhand jewelry, § 20-117.
Retention of secondhand jewelry, § 20-118.
Junk yard and motor vehicle salvage business.
Defined, § 20-101.
Fence for.
Advertisements on, § 20-107.
Generally, § 20-106.
Petition for approval of location, § 20-105.
Yard.
Defined, § 20-101.
Location of junk yard or motor vehicle salvage business.
Petition for approval, § 20-105.
Minors.
Purchases from.
Junk, § 20-109.
Secondhand goods, § 20-110.
Motor vehicles and traffic.
Report of purchase of used cars, § 22-105.
Motor vehicle salvage business.
Yard. See within this title, "Junk Yard or Motor Vehicle Salvage Business".

JUNK AND SECONDHAND GOODS—Cont'd
Nighttime.
Junk not to be received at night, § 20-108.
Operation of junk-collecting vehicle prohibited, § 20-116.
Pawnbrokers, §§ 25-101 to 25-119.
See Pawnbrokers.
Received at night.
Prohibited, § 20-108.
Report.
Junk to be retained twenty-four hours after report, § 20-103.
Purchases generally, § 20-102.
Retaining junk twenty-four hours after report, § 20-103.
Shipment of junk out of city, § 20-111.

JURISDICTION.
Cemeteries.
Park and tree commission, § 10-102.
Courts.
City Court, char., §§ 1-593, 1-594.
Municipal Court, char., §§ 1-532 to 1-534.
Police court, char., § 1-502.
District authority.
Chatham County, char., § 1-1915.
Health and sanitation.
Sanitary purposes, char., § 1-1701.
Savannah River.
Vessels and crews in Savannah River, char., § 1-108.
Sewers.
City over soil pipes, private sewers, etc., char., § 1-2102.

JURY.
City Court, char., §§ 1-5110 to 1-5112.
See Courts.
Jury duty.
Mayor and aldermen exempt from, char., § 1-203.
Police, etc., exempt from, char., § 1-204.
Municipal Court, char., §§ 1-557 to 1-562.
See Courts.
Police court.
See Courts.

JUSTICE OF THE PEACE.
Applicability of law relative to justice of the peace to Municipal Court, char., § 1-543.
Office abolished, char., § 1-530.

K

KINDERGARTENS.
See Day Nurseries and Kindergartens.

L

LABOR.
Contracts and purchases.
Contract provisions relative to labor, wages, etc., § 11-102.
Convict labor generally, char., § 1-141.

LAND.
See Real Property.

LIBRARY.
Board of managers for Savannah public library.
Appointment, § 3-1103.
Reappointment of members, § 3-1105.
Chairman, § 3-1106.
Composition, § 3-1102.
Created, § 3-1101.
Duties, § 3-1107.
Powers, § 3-1107.
Terms, § 3-1103.
Vacancies, § 3-1104.
Vice-chairman, § 3-1106.
Carnegie Library.
Board of trustees.
Composition, § 3-1201.
Duties, § 3-1202.
Election, § 3-1201.
Expenditure of funds, § 3-1204.
Librarian.
Appointment and discharge, § 3-1203.
Powers, § 3-1202.
Term, § 3-1201.
Librarian.
Appointment, § 3-1203.

LICENSES.
Alcoholic beverages, §§ 5-101 to 5-105.
See Alcoholic Beverages.
Aviation.
Aircraft to be licensed as airworthy, § 8-103.

LICENSES—Cont'd
Dogs, §§ 6-201, 6-203.
Electricity.
Occupational license.
Required, § 13-124.
Revocation.
Procedure, § 13-125.
Executions.
Issuance by city treasurer, § 3-709.
Hospitals.
Private hospitals, sanitariums, etc., § 29-122.
Moving pictures.
Operators of moving picture machines, §§ 28-114 to 28-116.
Petition for, § 28-113.
Pawnbrokers.
Suspension or revocation, § 25-104.
Plumbing.
Proficiency card.
Prerequisite to issuance, § 26-302.
Sale of merchandise generally.
Prohibited if not covered by city license, § 24-136.
Streets and sidewalks.
Authority to license use of streets and sidewalks generally, char., § 1-2201.
Taxation.
False information relative to license tax, § 32-110.
Theatres and shows.
Petition for, § 28-113.
Tourist camps, roadhouses and similar places, §§ 34-101 to 34-106.
See Tourist Camps, Roadhouses and Similar Places.
Transient traders, §§ 36-201 to 36-208.
See Transient Traders.
Wholesalers of perishables, §§ 15-502 to 15-507.
See Wholesalers of Perishables.

LIENS.
Health and sanitation.
Cleaning of privy vaults, surface drawers and dry wells, char., § 1-1704.
Mechanics' liens.
Jurisdiction, char., § 1-534.
Streets and sidewalks.
Assessments, char., §§ 1-2227 to 1-2241.

LIENS—Cont'd
Water.
Charges for repair of plumbing which causes water waste, char., § 1-2507.
Weeds.
Charges for cutting and removal by city, char., § 1-1705.

LIQUEFIED PETROLEUM GAS, §§ 14-401 to 14-407.
See Fire Protection.

LIVESTOCK.
Animals and fowl.
See Animals and Fowl.
Meat establishments, §§ 15-301 to 15-328.
See Meat and Meat Products.

LOANS.
Small loans.
Regulation of, char., § 1-133.

LOITERING.
Prohibited, § 24-125.

LOST AND ABANDONED PROPERTY.
Police.
Sale of unclaimed property, § 27-104.

LOUDSPEAKERS.
Noise.
Use generally, § 23-102.
Use prohibited generally, § 23-102.

M

MAIL.
Elections.
Voting by mail, char., § 1-720.
Service of process.
When suits may be served by mail.
Municipal Court, char., § 1-548.

MAPS.
Subdivisions, char., §§ 1-2301 to 1-2303.
See Subdivisions.

MARKETS.
City market, char., § 1-115.
Clerk of city market.
Power of city manager, char., § 1-225.

MARKETS—Cont'd
Ellis Square, char., §§ 1-801 to 1-805.
See Ellis Square.
Farmers' wholesale market at Franklin Square, char., § 1-117.
Open-air market, char., § 1-116.

MARSHAL.
City marshal.
Power of city manager, char., § 1-225.
Deputy marshals.
Tax collection, § 32-102.
Fire marshal.
See Fire Marshal.
Police court.
Officer of court, char., § 1-509.
Taxation.
Charged with amount of specific taxes, § 32-107.
Deputy marshal for tax collection, § 32-102.
Executions.
General duties of marshal relative to tax execution, § 32-101.
Transient traders.
Record to be kept, § 36-208.

MAYOR.
Armstrong College of Savannah commission.
Access to records, proceedings, etc., char., § 1-313.
Number, char., § 1-303.
Bridge commission.
Ex officio member, char., § 1-2003.
Council.
See Council.
Duties.
Generally, char., § 1-212.
Historic site and monument commission.
Rights of mayor and council committees, char., § 1-1812.
Jury duty.
Exemption from jury duty, char., § 1-203.
Officers and employees.
Vacancies.
Authority to fill certain, § 3-201.
Officers and employees under jurisdiction of manager.
Not to appoint, etc., char., § 1-215.

MAYOR—Cont'd
Park and tree commission.
Authority of mayor when appointment not confirmed, char., § 1-1307.
Right of mayor to make recommendations, attend meetings, etc., char., § 1-1319.
Powers and duties generally, char., § 1-212.
Council-manager act.
Effect of article on existing rights and powers, char., § 1-210.
Pro tempore, § 3-203.
Public amusements.
Closing places of public resort, § 3-202.
Salary, char., § 1-213.
Vacancy in office, char., § 1-202.
Veto power, char., § 1-205.

MEAT AND MEAT PRODUCTS.
Abattoir.
Municipal abattoir, char., § 1-118.
Adulterated and unwholesome.
Prohibited, § 15-105.
Diseased, adulterated, etc.
Prohibited, § 15-105.
Establishments.
Abattoir.
Municipal abattoir, char., § 1-118.
Animals.
Inspection at stockyard, § 15-317.
Animals unfit for human consumption.
Possession, sale, etc., § 15-325.
Carcasses.
Disposition of unfit, § 15-326.
Handling of diseased carcasses, § 15-313.
Removal prohibited until marked, § 15-318.
Ceilings.
Maintenance, § 15-306.
Chemicals.
Use of injurious prohibited, § 15-319.
Cleanliness required.
Sanitary conditions required, § 15-303.
Curing room, § 15-310.
Definition, § 15-301.

MEAT AND MEAT PRODUCTS—Cont'd
Establishments—Cont'd
Diseases.
Employees prohibited, § 15-311.
Handling of diseased carcasses, § 15-313.
Dressing rooms, § 15-309.
Employees.
Cleanliness of employees' clothing and hands.
Required, § 15-308.
Diseased employees prohibited, § 15-311.
Equipment.
Cleaning, § 15-307.
Replacement, § 15-305.
Floors.
Construction, § 15-304.
Meat not to fall on floor, § 15-314.
Replacement, § 15-305.
Health officer.
Relative general authority as to slaughterhouses, § 15-321.
Inspections.
Generally, § 15-323.
Lighting, § 15-302.
Maintenance.
Generally, § 15-302.
Packing room, § 15-310.
Pets prohibited, § 15-320.
Preservatives.
Use of injurious prohibited, § 15-319.
Refrigeration.
Required, § 15-316.
Requirements.
Meat to conform to certain requirements, § 15-324.
Skewers.
Not to be held in mouth, § 15-315.
Slaughterhouses.
General authority of health officer, § 15-321.
Unloading, etc., of animals, § 15-322.
Unsanitary use and maintenance, § 15-312.
Toilet, § 15-309.
Ventilation, § 15-302.
Walls.
Maintenance, § 15-306.
Poultry.
Live poultry to be kept separate, § 15-328.

MEAT AND MEAT PRODUCTS—Cont'd
Slaughterhouses. See within this title, "Establishments".
Transportation of meat.
Protection from dust, flies, etc., § 15-104.
Refrigeration required, § 15-103.
Exception, § 15-103.
Water closets.
Meat establishments, § 15-309.
Wrapping of meat, § 15-327.

MECHANICS' LIENS.
Foreclosure.
Municipal court.
Limitation, char., § 1-534.
Jurisdiction, char., § 1-534.

MEDICAL CARE.
City dispensary, §§ 29-201 to 29-209.
See City Dispensary.

METERS.
Parking meters, §§ 22-201 to 22-215.
See Motor Vehicles and Traffic.
Water meters.
See Water.

MILITIA.
Police.
Exempt from militia, char., § 1-204.

MILK AND MILK PRODUCTS.
Adulterated and misbranded generally, § 21-102.
Chatham County.
Rules and regulations.
Adopted, § 21-101.
Chocolate milk.
Special provisions as to, § 21-112.
Dairies and plants.
Inspection, § 21-108.
Distributors.
Give health officer access to premises and furnish certain information, § 21-109.
Food establishments.
Storage, § 21-114.
Grading.
Grades which may be sold, § 21-111.
Requirements, § 21-101.

MILK AND MILK PRODUCTS—Cont'd
Homogenized milk.
Mixing of homogenized and nonhomogenized products, § 21-115.
Hotels.
Storage in, § 21-114.
Labeling.
Rules and regulations, § 21-101.
Pasteurizing.
Rules and regulations, § 21-101.
Permits.
Receipt.
Who entitled to receive, § 21-104.
Reinstatement, § 21-107.
Required, § 21-103.
Revocation, § 21-106.
Suspension, § 21-106.
Transfer, § 21-105.
Producers.
Give health officer access to premises and furnish certain information, § 21-109.
Rules and regulations.
Constituting requirements for sanitation, examination, grading, labeling, etc., § 21-101.
Samples.
Examination, § 21-110.
Transferring or dipping milk.
Prohibited, § 21-113.

MINORS.
Cemeteries.
Children to be accompanied by parents or guardians, § 10-145.
Foster homes, §§ 16-101 to 16-111.
See Foster Homes.
Junk and secondhand goods.
Purchases from.
Junk, § 20-109.
Secondhand goods, § 20-110.
Kindergartens, §§ 12-101 to 12-107.
See Day Nurseries and Kindergartens.
Nurseries.
Day nurseries and kindergartens, §§ 12-101 to 12-107.
See Day Nurseries and Kindergartens.

MINORS—Cont'd
Officers and employees.
Age of employees, char., § 1-206.
Pawnbrokers.
Transaction with minors prohibited, § 25-115.
Trade stimulating or mechanical game devices generally.
Prohibited from operating, § 28-101.
Notice as to prohibition, § 28-103.

MONUMENTS.
Historic site and monument commission, char., §§ 1-1801 to 1-1813.
See Historic Site and Monument Commission.

MORTGAGES AND DEEDS OF TRUST.
Foreclosure.
City Court.
Jurisdiction, char., § 1-594.
Jurisdiction.
City Court, char., § 1-594.

MOSQUITO CONTROL.
Collections of water in which mosquitoes breed.
Defined, § 29-109.
Evidence of breeding, § 29-110.
Treatment required, § 29-111.
Method of treatment, § 29-112.

MOTION PICTURES.
See Moving Pictures.

MOTOR VEHICLES AND TRAFFIC.
Abercorn Street.
Parking meters, § 22-202.
Parking regulations, § 22-301.
Accidents.
Violations where accident has happened, § 22-155.
Wreckers near, § 22-142.
Adoption of state law, § 22-101.
Advertising.
Permit to park vehicles for advertising purposes.
Exception, § 4-101.
Required, § 4-101.

MOTOR VEHICLES AND TRAFFIC—Cont'd
Alcoholic beverages.
Set ups not to be delivered to or used in automobiles, § 5-118.
Alleys.
Emerging from, § 22-117.
Anderson Street.
Parking regulations, § 22-302.
Barnard Street.
Parking regulations, § 22-303.
Turning.
Left turns prohibited, § 22-136.
Battey Street.
Parking regulations, § 22-304.
Bay Street.
Parking regulations, § 22-305.
Turning.
Left turns prohibited, § 22-133.
Bay Street Extension.
Parking regulations, § 22-305.
Bee Road.
Parking regulations, § 22-306.
Bicycles, §§ 22-143 to 22-147.
See Bicycles.
Broad Street.
East Broad Street.
Parking regulations, § 22-315.
Turning.
Left turns prohibited, § 22-134.
Roadway between East Broad and Lincoln Streets.
Parking regulations, § 22-342.
West Broad Street.
Parking meters, § 22-202.
Parking regulations, § 22-352.
Broughton Street.
Parking meters, § 22-202.
Parking regulations, § 22-307.
Reverse turn prohibited on, § 22-137.
Turning.
Left turns prohibited, §§ 22-135, 22-136.
Broughton Street Lane.
Commercial vehicles restricted to, § 22-139.
Parking regulations, § 22-308.
Bryan Street.
Bicycles.
Parking space on, § 22-147.
Parking regulations, § 22-309.

MOTOR VEHICLES AND TRAFFIC—Cont'd
Bull Street.
Commercial vehicles prohibited on, § 22-140.
Exception, § 22-140.
Parking meters, § 22-202.
Parking regulations, § 22-310.
Turning.
Left turns prohibited, § 22-135.
Busses.
Taxicabs and other vehicles for hire, §§ 33-101 to 33-410.
See Taxicabs and Other Vehicles for Hire.
Cemeteries.
Speed limit, § 10-144.
Trucking prohibited, § 10-146.
Charlton Street.
Parking regulations, § 22-311.
Churches.
Operation of vehicles near, § 22-123.
City Hall.
Street abutting sidewalk on west side of City Hall.
Parking regulations, § 22-347.
Climbing onto moving vehicles, § 22-124.
Commercial vehicles.
Broughton Street Lane.
Use restricted to, § 22-139.
Congress Street Lane.
Use restricted to, § 22-138.
Prohibited on Bull Street, § 22-140.
Exception, § 22-140.
Congress Street.
Parking regulations, § 22-312.
Congress Street Lane.
Commercial vehicles restricted to, § 22-138.
Parking regulations, § 22-313.
Dealers.
Reports.
Purchases of used cars, § 22-105.
Sales, § 22-104.
Sales.
Report, § 22-104.
Drayton Street.
Parking regulations, § 22-314.
Driveways.
Emerging from, § 22-117.
Emergency vehicles.
Driving through funeral procession, § 22-127.

MOTOR VEHICLES AND TRAFFIC—Cont'd
Emergency vehicles—Cont'd
Sirens.
Use, § 23-106.
Filling stations.
Gas and oil traps required, §§ 14-112, 26-498.
Streets and sidewalks.
Gasoline tanks and filling stations within street and sidewalk lines, char., § 1-2210.
Zoning.
Erection on lots 24 and 26. Southville Ward, § 38-141.
Fines.
Minimum fines for traffic violations generally, § 22-149.
Fire protection.
Driving on streets during fires, § 22-118.
Florence Street.
Parking regulations, § 22-316.
Funeral processions.
Driving through, § 22-122.
Habersham Street.
Parking regulations, § 22-317.
Harmon Street.
Parking regulations, § 22-318.
Harris Street.
Parking meters, § 22-202.
Parking regulations, § 22-319.
Henry Street.
Parking regulations, § 22-320.
Hitching onto moving vehicles.
Prohibited, § 22-124.
Hospitals.
Operation of vehicles near, § 22-123.
Houston Street.
Parking regulations, § 22-321.
Hull Street.
Parking regulations, § 22-322.
Huntingdon Street.
Parking regulations, § 22-323.
Indian Street.
Parking regulations, § 22-324.
Inspection of vehicles, char., § 1-1102.
Intersections.
Stopping.
Isolated stop intersections.
Enumerated, § 22-401.
Exceptions from chapter, § 22-402.
Through streets, § 22-128.

MOTOR VEHICLES AND TRAFFIC—Cont'd
Intersections—Cont'd
Yield-right-of-way signs.
Intersection designated, § 22-129.
Jefferson Street.
North Jefferson Street.
Parking regulations, § 22-335.
Jones Street.
Parking regulations, § 22-325.
Junk and secondhand dealers.
Report of purchase of used cars, § 22-105.
Junk yard and motor vehicle salvage business, §§ 20-101, 20-106, 20-107.
See Junk and Secondhand Goods.
Lamara Drive.
Parking regulations, § 22-326.
Liberty Street.
Parking meters, § 22-202.
Parking regulations, § 22-327.
Turning.
Left turns prohibited, § 22-134.
Lincoln Street.
Parking regulations, § 22-328.
Roadway between East Broad Street and Lincoln Street.
Parking regulations, § 22-342.
Louisville Road.
Parking regulations, § 22-329.
McDonough Street.
Parking regulations, § 22-332.
McGillicudy Lane.
Parking regulations, § 22-333.
Macon Street.
Parking regulations, § 22-330.
Magnolia Street.
Parking regulations, § 22-331.
Meters.
Parking meters. See within this title, "Parking Meters".
Montgomery Street.
Parking regulations, § 22-334.
Moving vehicles.
Hitching or climbing onto prohibited, § 22-124.
Noise.
Use of vehicles, § 23-104.
Officers.
Duty to obey traffic officers, § 22-108.
Ogeechee Road.
Parking regulations, § 22-336.

MOTOR VEHICLES AND TRAFFIC—Cont'd
Oglethorpe Avenue.
Parking regulations, § 22-337.
One-way streets.
Designated, § 22-130.
Vehicles to move only in direction indicated, § 22-131.
Exception, § 22-131.
Operator.
Defined, § 22-201.
Park Avenue.
Parking regulations, § 22-338.
Parking.
Alleys, § 22-111.
Double parking prohibited, § 22-112.
Ellis Square.
Use for public parking, char., §§ 1-801 to 1-805.
Illegally parked vehicles.
Impoundment, § 22-152.
Impoundment of illegally parked vehicles, § 22-152.
Lanes, § 22-111.
Meters. See within this title, "Parking Meters".
Notice of violation.
Failure to obey, § 22-150.
Penalty.
Relief from penalty for parking violation, § 22-153.
Prohibiting.
Authority to prohibit, § 22-109.
Relief from penalty for parking violation, § 22-153.
Sundays and holidays.
Trucks prohibited, § 22-114.
Trucks prohibited.
Between 8:00 P. M. and 6:00 A. M., § 22-113.
Sundays and holidays, § 22-114.
Violations.
Failure to obey notice of, § 22-150.
Penalty for parking violation which obstructs traffic, § 22-151.
Parking meters.
Defacing, § 22-212.
Definitions, § 22-201.
Deposit of coin.
Charge, § 22-205.
Effect, § 22-208.
Exceptions, § 22-207.
Purpose, § 22-209.

MOTOR VEHICLES AND TRAFFIC—Cont'd
Parking meters—Cont'd
Deposit of coin—Cont'd
Required, § 22-207.
Slugs prohibited, § 22-213.
Installation, § 22-203.
Location, § 22-204.
Maintenance.
Generally, § 22-203.
Operator.
Defined, § 22-201.
Overtime parking, § 22-210.
Parking time.
Indication, § 22-205.
Purchase, § 22-203.
Signals.
Displayed, § 22-205.
Slugs.
Deposit of slugs prohibited, § 22-213.
Spaces.
Designation and use, § 22-206.
Stickers.
Exemption stickers, § 22-211.
Street.
Defined, § 22-201.
Tampering with.
Prohibited, § 22-212.
Vehicle.
Defined, § 22-201.
Violation of chapter.
Notice to be attached to vehicle, § 22-215.
Report to police, § 22-214.
Zones established, § 22-202.
Penalties.
Minimum fine for traffic violations, § 22-149.
Parking violations which obstruct traffic, § 22-151.
Relief from penalty for parking violation, § 22-153.
Permits.
Drivers' permits.
Issuance, char., § 1-1102.
Perry Street.
Parking regulations, § 22-339.
Planning commission.
Duties of planning commission relative to traffic, § 22-102.
Police.
Duty to obey traffic officers, § 22-108.
Parking meter violations.
Report, § 22-214.

MOTOR VEHICLES AND TRAFFIC—Cont'd
Police—Cont'd
Prohibited from receiving money for traffic violations, § 22-154.
President Street.
Parking regulations, § 22-340.
Price Street.
Parking regulations, § 22-341.
Processions.
Driving through generally, § 22-121.
Funeral processions.
Driving through, § 22-122.
Racing motors prohibited, § 22-125.
Railroads.
Irons, poles, etc., to be transported lengthwise, § 22-141.
Reckless driving.
Defined, § 22-119.
Prohibited, § 22-120.
Regulations.
Temporary traffic regulations, § 22-103.
Repairing vehicles on streets.
Regulated, § 22-148.
Right-of-way.
Yield-right-of-way signs, § 22-129.
St. Julian Street.
Parking regulations, § 22-345.
Salvage business.
See Junk and Secondhand Goods.
Service stations. See within this title, "Filling Stations".
Sirens.
Use prohibited.
Exceptions as to emergency vehicle, § 23-106.
Speed limit, § 22-115.
Enumeration of speed limits in streets, § 22-115.
Taxicabs and other vehicles for hire, §§ 33-102 to 33-106.
See Taxicabs and Other Vehicles for Hire.
State.
Adoption of state law, § 22-101.
State Street.
Parking regulations, § 22-343.
Stiles Avenue.
Parking regulations, § 22-344.

MOTOR VEHICLES AND TRAFFIC—Cont'd
Stopping.
Isolated stop intersections.
Enumerated, § 22-401.
Exceptions from chapter, § 22-402.
Through streets, § 22-127.
Strand.
Parking regulations, § 22-346.
Strand Driveway.
Parking meters, § 22-202.
Streets and sidewalks.
Driving on sidewalks.
Generally, § 22-116.
Upon emerging from alleys, driveways, etc., § 22-117.
Vehicles not to obstruct streets and free passage of persons, § 22-110.
Sundays and holidays.
Parking of trucks prohibited, § 22-114.
Taxicabs and other vehicles for hire, §§ 33-101 to 33-410.
See Taxicabs and Other Vehicles for Hire.
Taylor Street.
Parking regulations, § 22-348.
Temporary traffic regulations, § 22-103.
Thirty-First Street.
Parking regulations, § 22-349.
Thirty-Seventh Street.
Parking regulations, § 22-350.
Through streets.
Designated, § 22-126.
Duty to stop before entering, § 22-127.
Intersection with each other, § 22-128.
Traffic-control devices.
Obedience to, § 22-106.
Traffic-control lights, § 22-107.
Traffic expert, char., § 1-1101.
Trailers.
Trailer lots, camps and parks, §§ 35-101 to 35-114.
See Trailer Lots, Camps and Parks.
Turning.
Left turns prohibited.
At Bay and Water Streets, § 22-133.
Barnard and Broughton Streets, § 22-136.
Bull and Broughton Streets, § 22-135.

MOTOR VEHICLES AND TRAFFIC—Cont'd
Turning—Cont'd
Left turns prohibited—Cont'd
Liberty and East Broad Streets, § 22-134.
Reverse turns prohibited on Broughton Street, § 22-137.
Right turn on red, § 22-132.
Violations.
Minimum fine for traffic violations, § 22-149.
Parking meters.
Notice to be attached to vehicle, § 22-215.
Report of police, § 22-214.
Policemen not to receive money for traffic violations, § 22-154.
Waters Avenue.
Parking regulations, § 22-351.
Water Street.
Turning.
Left turns prohibited, § 22-133.
Wheaton Street.
Parking regulations, § 22-353.
Whitaker Street.
Parking meters, § 22-202.
Parking regulations, § 22-354.
Williamson Street.
Parking regulations, § 22-355.
Wreckers.
Near accidents, § 22-142.
Yield-right-of-way signs, § 22-129.
York Street.
Parking regulations, § 22-356.

MOVING PICTURES.
Closing to prevent spread of disease, § 29-113.
Licenses.
Petition for, § 28-113.
Operators of moving picture machines.
Age, § 28-114.
Generally, § 28-114.
Responsibility for safety of establishment and patrons, § 28-115.
Revocation, § 28-116.

MUNICIPAL AIRPORTS, char., §§ 1-1201 to 1-1221.
See Aviation.

MUNICIPAL COURT, char., §§ 1-530 to 1-590.
See Courts.

MUSIC MACHINES.
Permit for, § 28-107.

N

NOISE.
Broadcasting.
Permits, § 23-103.
Hospitals.
Unnecessary noise in hospital zones, § 23-105.
Loudspeakers.
Use generally, § 23-102.
Loud unnecesary and unusual noise.
Generally, § 23-101.
Prohibited, § 23-101.
Motor vehicles and traffic.
Use of vehicles, § 23-104.
Permits.
Broadcasting permits, § 23-103.
Sirens, § 23-106.
Exception, § 23-106.
Use prohibited, § 23-106.

NONRESIDENTS.
Cemeteries.
Burial in Laurel Grove Cemetery, § 10-168.
City Court.
Suits against nonresident codefendant, char., § 1-5114.

NOTICES.
Streets and sidewalks.
Publication, char., § 1-2231.

NUISANCES.
Abatement by marshal, § 29-104.
Animals and fowl.
Sanitary facilities where animals and fowl are kept, § 6-106.
Complaints.
Record of, § 29-105.
Housing.
Certain dwellings declared to be, § 19-105.
Removal.
Generally, § 29-103.

NUMBERING HOUSES, §§ 30-301 to 30-306.
See Streets and Sidewalks.

NURSERIES.
Day nurseries and kindergartens, §§ 12-101 to 12-107.
See Day Nurseries and Kindergartens.

O

OATHS.
Civil service.
Board and employees, char., § 1-422.
Personnel director, char., § 1-403.
Defined, § 2-102.
Elections.
Successful candidates, char., § 1-739.
Judges.
Municipal Court, char., § 1-578.
Officers and employees, char., § 1-422.
Park and tree commission, char., § 1-1309.
Policemen.
Swearing by clerk of council, § 3-308.
Recorder of police court, char., § 1-506.
Sinking fund, § 3-1304.
Taxation.
Board of tax assessors, § 32-205.

OBSCENITY AND IMMORALITY.
Cemeteries.
Removal of offensive monuments, markers, etc., § 10-135.
Consorting for immoral purposes, § 24-102.
Hotels and inns.
Use for immoral purposes.
Prohibited, § 24-120.
Indecent exposure, § 24-123.
Literature, pictures, etc.
Destroyed upon conviction of violation, § 24-128.
Display for sale prohibited, § 24-127.
Solicitations.
Prohibited, § 24-122.
Tourist camps, roadhouses and similar places.
Enticing females to enter premises for immoral purposes, § 34-111.
False registration as husband and wife, § 34-110.
Occupancy of rooms for immoral purposes, § 34-110.

OBSCENITY AND IMMORALITY—Cont'd
Transportation of women for immoral purpose, § 24-144.

OFFENSES.
Abandonment.
Iceboxes and other containers, § 24-121.
Alcoholic beverages.
Drunkenness.
Public drunkenness, § 24-132.
Arrest.
Detention of arrested persons, § 2-106.
Begging.
Prohibited, § 24-101.
Boardinghouse.
Use for immoral purposes, § 24-120.
Bond.
Appearance bond or deposit of arrested persons, § 2-107.
Churches.
Religious assemblies.
Disturbing, § 24-134.
Continuing violations, § 2-105.
Destitute condition.
Misrepresentation, § 24-126.
Disorderly conduct.
Generally, § 24-103.
Prohibited, § 24-104.
Drunkenness.
Public drunkenness.
Prohibited, § 24-132.
Elections, char., § 1-725.
False statements and false pretenses.
Misrepresentation as to destitute condition, § 24-126.
False statements and representations.
Sale of merchandise generally, § 24-135.
Firearms, §§ 24-105 to 24-109.
See Weapons.
Fortunetelling.
Prohibited, § 24-111.
Gambling, §§ 24-115 to 24-117.
See Gambling.
Green hides.
Curing and storing, § 24-118.
Guano.
Storage in certain area prohibited, § 24-119.

OFFENSES—Cont'd
Hotels.
Immoral purposes.
Use for, § 24-120.
Iceboxes.
Abandonment.
Prohibited, § 24-121.
Indecent exposure, § 24-123.
Jewelers.
Keep record of watch repairs, § 24-124.
Jurisdiction of prosecution.
Police court, char., § 1-520.
Loitering.
Prohibited, § 24-125.
Obscenity and immorality.
Consorting for immoral purposes, § 24-102.
Hotels and inns.
Use for immoral purposes.
Prohibited, § 24-120.
Indecent exposure, § 24-123.
Literature, pictures, etc.
Destroyed upon conviction of violation, § 24-128.
Display for sale prohibited, § 24-127.
Solicitations.
Prohibited, § 24-122.
Transportation of women for immoral purpose, § 24-144.
Officers and employees.
Obstructing or hindering, § 24-129.
Palmistry.
Prohibited, § 24-111.
Paupers.
Landing in city, § 24-130.
Misrepresentation as to destitute condition, § 24-126.
Penalty.
General penalty, § 2-105.
Various violations.
See Penalties.
Police.
Obstructing or hindering, § 24-129.
Property.
Public property generally.
Injuring or defacing.
Prohibited, § 24-133.
Prostitution.
Consorting for immoral purposes, § 24-102.
Disorderly houses, § 24-104.

OFFENSES—Cont'd
Prostitution—Cont'd
Hotels, inns, etc.
Use for immoral purposes, § 24-120.
Immoral solicitations, etc., § 24-122.
Transportation of women for immoral purposes, § 24-144.
Public assemblies.
Regulated, § 24-131.
Public property.
Injuring or defacing.
Prohibited, § 24-133.
Railroads.
Trains.
Improper boarding, riding, etc., § 24-143.
Refrigerators.
Abandonment, § 24-121.
Religion.
Religious assemblies.
Disturbing, § 24-134.
Sales.
False misrepresentations generally, § 24-135.
Fire, bankrupt, etc., sales, § 24-110.
Prohibited if not covered by city license, § 24-136.
Slingshots.
Use prohibited, § 24-137.
Solicitations.
Trade in front of business prohibited, § 24-138.
Stones.
Throwing stones prohibited, § 24-142.
Swimming.
Prohibited in certain waters, § 24-139.
Telephone.
Improper use, § 24-141.
Trees and shrubs.
Cutting, injuring, etc.
Prohibited, § 24-145.
Weapons.
Firearms, §§ 24-105 to 24-109.
See Weapons.

OFFICERS AND EMPLOYEES.
Age of employees, char., § 1-206.
Aldermen.
See Council.
Appointment.
Civil service.
See Civil Service.

OFFICERS AND EMPLOYEES—Cont'd
Appointment—Cont'd
Mayor and aldermen not to appoint, etc., officers and employees under jurisdiction of city manager, char., § 1-215.
Bonds.
Generally.
See Bonds.
Sureties.
Aldermen and officers not to be sureties, § 3-113.
Bridge commission, char., § 1-2005.
Building inspector, §§ 9-203 to 9-207.
See Buildings.
City attorney, §§ 3-401 to 3-411.
See City Attorney.
City manager.
Authority relative to employees, char., § 1-225.
Generally, char., §§ 1-217 to 1-230.
See City Manager.
Not eligible for appointment as city manager, char., § 1-220.
Exception, char., § 1-220.
Power to appoint and discharge, char., § 1-224.
City treasurer, §§ 3-701 to 3-715.
See Treasurer.
Civil service, char., §§ 1-401 to 1-424.
See Civil Service.
Clerk.
Council, §§ 3-301 to 3-313.
See Council.
Courts.
City Court.
See Courts.
Municipal Court.
See Courts.
Contracts and purchases.
Interest in contracts prohibited, § 11-103.
Definition.
Employee, § 3-116.
Director.
Public improvements, §§ 3-503 to 3-508.
See Public Improvements.
Elections, §§ 1-701 to 1-746.
See Elections.

OFFICERS AND EMPLOYEES—Cont'd
Electrical inspector, §§ 13-119 to 13-123.
See Electricity.
Fees.
Paid into treasury, § 3-112.
Failure, § 3-112.
Fire marshal, char., §§ 1-125 to 1-130.
See Fire Marshal.
Harbormaster.
See Harbor and Port of Savannah.
Health officers.
See Health and Sanitation.
Hold but one office, char., § 1-207.
Hours.
City office hours, § 3-101.
Industrial and domestic water supply commission, char., § 1-2514.
Insurance.
Group insurance for employees, char., § 1-209.
Cancellation by city, § 3-119.
Deductions of premiums from salaries, § 3-117.
Generally, § 3-116.
Premiums.
Deductions from salaries, § 3-117.
Withdrawal from plan, § 3-118.
Old age and survivor's insurance.
Appropriations, § 3-125.
Execution of agreements, § 3-123.
Extension of benefits to employees, § 3-122.
Records, § 3-126.
Reports, § 3-126.
Withholdings, § 3-124.
Judges.
See Courts.
Marshal.
City marshal.
See Marshal.
Fire marshal.
See Fire Marshal.
Mayor.
Generally.
See Mayor.

OFFICERS AND EMPLOYEES—Cont'd
Mayor—Cont'd
Vacancies.
Authority to fill certain, § 3-201.
Minors.
Age of employees, char., § 1-206.
Oath, char., § 1-422.
Swearing by clerk of council, § 3-308.
Obstructing or hindering, § 24-129.
Offices.
Vacancies in offices generally, char., § 1-201.
Old age and survivor's insurance, §§ 3-122 to 3-126. See within this title, "Insurance."
Park and tree commission.
Control of appointment of employees, etc., char., § 1-1314.
Officers, char., § 1-1310.
Paymaster, §§ 3-901 to 3-905; char., § 1-225.
See Paymaster.
Payroll.
Certification prerequisite to placement on payroll, char., § 1-423.
Checks signed by paymaster, 3-109.
Pensions. See within this title, "Retirement".
Personnel director, char., § 1-403.
Planning commission.
Public officers and employees not eligible for membership, char., § 1-1610.
Plumbing.
Inspector of plumbing, §§ 26-201 to 26-211.
See Plumbing.
Police.
Chief of police, §§ 27-201 to 27-207.
See Police.
Port wardens.
Power of city manager, char., § 1-225.
Public improvements.
Director, §§ 3-503 to 3-508.
See Public Improvements.

OFFICERS AND EMPLOYEES—Cont'd
Purchases.
Supervisor of purchases, §§ 11-201 to 11-205.
See Contracts and Purchases.
Recorder.
Police court, char., §§ 1-503 to 1-507.
See Courts.
Recorder pro tem.
Police court, §§ 3-801 to 3-805.
See Courts.
Removal.
Mayor and aldermen not to remove officers and employees under jurisdiction of city manager, char., § 1-215.
Officers, § 3-108.
Reports.
To city manager, char., § 1-227.
Residence of employees, char., § 1-421.
Retirement.
Generally, § 3-120.
Notice, § 3-121.
Pension, § 3-121; char., § 1-15.
Return of money received by officers.
Notice to manager upon failure to make, § 3-111.
Required, § 3-110.
Salaries.
Insurance.
Deduction of premiums from salaries, § 3-117.
Old age and survivor's insurance.
Premiums.
Withholdings, § 3-124.
Withholdings.
Old age and survivor's insurance, § 3-124.
Sinking fund.
City officers not eligible to serve as members, § 3-1305.
Supervisor of purchases, §§ 11-201 to 11-205.
See Contracts and Purchases.
Suspension of officers, § 3-108.
Traffic expert, char., § 1-1101.
Treasurer, §§ 3-701 to 3-715.
See Treasurer.

OFFICERS AND EMPLOYEES—Cont'd
Vacancies in offices, char., § 1-201.
Mayor.
Authority to fill certain, § 3-201.
Water.
Industrial and domestic water supply commission, char., 1-2514.
Engineer, char., § 1-2515.
Secretary, char., § 1-2515.

OIL.
Fuel oil tanks within street lines, §§ 30-105 to 30-109; char., § 1-2210.
See Streets and Sidewalks.
Harbor and port of Savannah.
Deposit of oil prohibited, § 18-115.
Liquefied petroleum gas, §§ 14-401 to 14-407.
See Fire Protection.
Streets and sidewalks.
Protection of asphalt from oil, etc., § 30-113.

ORCHARDS.
Peddlers of farm and orchard products, §§ 15-401 to 15-409.
See Peddlers of Farm and Orchard Products.

ORDINANCES.
Acquisition of land outside corporate limits, char., § 1-113.
Airports.
Embrace, char., § 1-1203.
Chatham County.
Police court.
Jurisdiction of prosecution for violations, char., § 1-520.
Copies.
Retention of copies by clerk of council, § 3-313.
District authority.
Grant of authority by ordinance, char., § 1-1916.
Party walls.
Authority to regulate by char., § 1-1404.

ORDINANCES—Cont'd
Streets and sidewalks.
Improvements, char., §§ 1-2219, 1-2220, 1-2239.
Costs.
Payment, char., § 1-2225.
Veto.
Mayor's veto power, char., § 1-205.
Zoning.
Authority to enact, alter, etc., zoning and planning laws, char., § 1-1602.

ORPHANAGES.
Trade stimulating or mechanical game devices generally.
Located within one hundred yards prohibited, § 28-102.

OYSTERS.
Wholesalers of perishables, §§ 15-501 to 15-508.
See Wholesalers of Perishables.

P

PALMISTRY.
Prohibited, § 24-111.

PAPER CUPS.
Soda fountains.
Use of paper cups may be required, § 15-213.

PARKING.
Ellis Square.
Use for public parking, char., §§ 1-801 to 1-805.
See Ellis Square.
Generally.
See Motor Vehicles and Traffic.

PARKING METERS, §§ 22-201 to 22-215.
See Motor Vehicles and Traffic.

PARKS AND RECREATION.
Bacon Park.
Appropriations, char., § 1-1323.
Commission.
Appointment, char., § 1-1326.
Composition, char., § 1-1326.
Created, char., § 1-1325.
Duties.
Generally, char., § 1-1333.

PARKS AND RECREATION—Cont'd
Bacon Park—Cont'd
Commission—Cont'd
Employees.
Selection and discharge, char., § 1-1338.
Expenditure of funds, char., § 1-1334.
Fees.
Disposition, char., § 1-1339.
Fixing, char., § 1-1339.
Golf course.
Lease, char., § 1-1337.
Lease of privileges in park, char., § 1-1336.
Majority vote, char., § 1-1329.
Powers.
Generally, char., § 1-1333.
Quorum, char., § 1-1328.
Records.
Keeping, char., § 1-1331.
Removal, char., § 1-1332.
Right of mayor and aldermen relative to records, reports, etc., char., § 1-1340.
Rules and regulations, char., § 1-1335.
Secretary, char., § 1-1330.
Terms, char., § 1-1326.
Vacancies, char., § 1-1327.
Contracts between city council and commissioners of Chatham County.
Article does not impair, char., § 1-1322.
Employees.
Police power, char., § 1-1324.
Expenditure of operating funds, char., § 1-1323.
Police.
Jurisdiction, char., § 1-1321.
Power of employees, char., § 1-1324.
Cemeteries.
Old cemetery.
Title to Colonial Park, char., § 1-1302.
Colonial Park.
Title to, char., § 1-1302.
Commissions.
Bacon Park commission. See within this title, "Bacon Park."

PARKS AND RECREATION—Cont'd
Commissions—Cont'd
Park and tree commission. See within this title, "Park and Tree Commission."
Recreation commission. See within this title, "Recreation Commission."
Park and tree commission.
Appointment, char., § 1-1305.
Authority of mayor when appointment not confirmed, char., § 1-1307.
Withdrawal of nominations for appointment, char., § 1-1307.
Cemeteries.
Authority to close, § 10-103.
Jurisdiction, § 10-102.
Composition, char., § 1-1304.
Council.
Right of council committee to inspect books, etc., char., § 1-1320.
Created, char., § 1-1304.
Duties.
Generally, char., § 1-1313.
Employees.
Control of expenditures, appointment of employees, etc., char., § 1-1314.
Expenditures.
Control, char., § 1-1314.
Estimate, char., § 1-1318.
Improvements.
Description and estimate of cost of improvements contemplated, char., § 1-1317.
Mayor.
Authority of mayor when appointment not confirmed, § char., § 1-1307.
Right of mayor to make recommendations, attend meetings, etc., char., § 1-1319.
Meetings, char., § 1-1311.
Oath, char., § 1-1309.
Officers, char., § 1-1310.
Powers.
Generally, char., § 1-1313.
Qualifications, char., § 1-1306.
Quorum, char., § 1-1312.
Records.
Keeping, char., § 1-1315.

PARKS AND RECREATION—Cont'd
Park and tree commission—Cont'd
Reports.
Annual report, char., § 1-1318.
Rules and regulations, char., § 1-1316.
Stadium.
Agreements as to, char., § 1-1301.
Terms, char., § 1-1305.
Vacancies, char., § 1-1308.
Playgrounds.
Supervision by recreation commission, § 3-1007.
Recreation commission.
Appointment, char., § 1-1303; § 3-1003.
Reappointment.
Eligibility of members, § 3-1005.
Authority to establish, char., § 1-1303.
Chairman, § 3-1006.
Composition, § 3-1002.
Cooperation with other agencies, § 3-1009.
Duties, char., § 1-1303.
Established, § 3-1001.
Jurisdiction, char., § 1-1303.
Powers, char., § 1-1303.
Qualifications, § 3-1004.
Rules and regulations, § 3-1008; char., § 1-1303.
Supervision of playgrounds and recreation policy, § 3-1007.
Terms, § 3-1003.
Title, § 3-1001.
Rules and regulations.
Recreation commission, § 3-1008.
Stadium.
Appropriations, char., § 1-1301.
Operation and maintenance, char., § 1-1301.
Park and tree commission.
Agreements with, char., § 1-1301.
Trailer lots, camps and parks, §§ 35-101 to 35-114.
See Trailer Lots, Camps and Parks.

PARTY WALLS, char., §§ 1-1401 to 1-1404.
See Buildings.

PAUPERS.
Cemeteries.
Burial in Laurel Grove Cemetery, § 10-169.
City dispensary, §§ 29-201 to 29-209.
See City Dispensary.
Landing in city, § 24-130.
Misrepresentation as to destitute condition, § 24-126.

PAWNBROKERS.
Bond, § 25-102.
Books.
Entries.
When to be made, § 25-111.
False entries, § 25-113.
Inspection, § 25-112.
Keeping generally, § 25-110.
Business hours, § 25-105.
Defined, § 25-101.
Goods to be held for ten days, § 25-117.
Importation of merchandise, § 25-114.
Junk and secondhand goods, §§ 20-101 to 20-124.
See Junk and Secondhand Goods.
License.
Revocation, § 25-104.
Suspension, § 25-104.
Minors.
Transaction with minors prohibited, § 25-115.
Pledges.
Inspection, § 25-109.
Openly displayed, § 25-107.
Police.
Daily report to police, § 25-116.
Premises to be opened to police, § 25-108.
Purchases.
Inspection, § 25-109.
Reports.
Daily reports to police, § 25-116.
Sale of items other than pledges.
Prohibited, § 25-114.
Sign, § 25-103.

PAWNBROKERS—Cont'd
Sundays and holidays.
Operation prohibited, § 25-106.
Weapons.
Approval may be required for sale of firearms and ammunition, § 25-119.
Wholesale.
Exporting or selling at wholesale.
Prohibited, § 25-118.

PAYMASTER.
Appointment, § 3-902.
City manager.
Power of city manager, char., § 1-225.
Duties.
Generally, § 3-903.
Office.
Created, § 3-901.
Payroll checks signed only by paymaster, § 3-901.
Term, § 3-902.
Work in office of director of finance, § 3-904.
Work under supervision of director of finance, § 3-905.

PEDDLERS.
Transient traders, §§ 36-101 to 36-208.
See Transient Traders.

PEDDLERS OF FARM AND ORCHARD PRODUCTS.
Definitions, § 15-401.
Inspection.
Registration card, § 15-405.
Registration.
Card.
Carried at all times, § 15-406.
Inspection, § 15-405.
Issuance, § 15-403.
Revocation, § 15-407.
Term, § 15-404.
Transfer, § 15-404.
Required, § 15-402.
Sales.
Hours of sale, § 15-409.
Sunday sales prohibited, § 15-408.
Sundays and holidays.
Sales prohibited, § 15-408.

PENALTIES.
Contempt.
Police court.
Imposition, char., § 1-518.
Director.
Vouchers.
Fining, § 3-109.
Electricity.
Violation of title, § 13-106.
General penalty, § 2-105.
Housing.
Violation of title, § 19-162.
Motor vehicles and traffic.
Minimum fine for traffic violations, § 22-149.
Relief from penalty for parking violation, § 22-153.
Parking violations which obstruct traffic, § 22-151.
Payment of fines to benevolent association, § 27-110.
Police court.
Suspension, modification, etc., of penalties, char., § 1-521.
Prisoners.
See Prisons and Prisoners.
Zoning.
Airfield zoning, § 38-216.
Airport zoning, § 38-316.

PENSIONS, §§ 3-120, 3-121; char., § 1-15.
Schools.
Administration, char., §§ 1-615, 1-616.

PERISHABLES.
Wholesalers of perishables, §§ 15-501 to 15-508.
See Wholesalers of Perishables.

PERMITS.
Advertising.
See Advertising.
Airfield zoning, § 38-210.
Broadcasting, § 23-103.
Buildings.
Fees, § 9-209.
From council required for erection of certain buildings, § 9-103.
Generally, § 9-102.
Prefabricated or demountable buildings, § 9-105.
Cemeteries.
Work permits, § 10-126.

PERMITS—Cont'd
Circuses, § 28-108.
Dances.
Dance hall, §§ 28-110, 28-111.
Miscellaneous entertainments, § 28-112.
Public dances, § 28-109.
Day nurseries and kindergartens, §§ 12-102 to 12-106.
See Day Nurseries and Kindergartens.
Electricity, §§ 13-132 to 13-139.
See Electricity.
Excavations.
Streets and sidewalks, § 30-401.
Exhibitions, § 28-112.
Food establishments, § 15-202 to 15-209.
See Food and Food Establishments.
Foster homes, §§ 16-102 to 16-108.
See Foster Homes.
Fuel oil tanks within street lines, §§ 30-105 to 30-108.
See Streets and Sidewalks.
Funeral home permits, §§ 24-112 to 24-114.
Kindergartens, §§ 12-102 to 12-106.
See Day Nurseries and Kindergartens.
Milk and milk products, §§ 21-103 to 21-107.
See Milk and Milk Products.
Motor vehicles.
Drivers' permits.
Issuance, char., § 1-1102.
Music machine, § 28-107.
Noise.
Broadcasting, § 23-103.
Plumbing.
Work permits.
Required, § 26-105.
Septic tanks, § 19-137.
Sewerage service beyond corporate limits, §§ 37-501, 37-502.
Tag days, § 24-140.
Taxicabs and other vehicles for hire.
Driver's permit, §§ 33-401 to 33-410.
See Taxicabs and Other Vehicles for Hire.

PERMITS—Cont'd
Theatres and shows.
Miscellaneous entertainment, § 28-112.
Trailer lots, camps and parks, §§ 35-101 to 35-106.
See Trailer Lots, Camps and Parks.
Water.
Alterations, etc., after service started, § 37-226.
Wells.
Drilling, §§ 37-401, 37-402.

PETROLEUM PRODUCTS.
Delivery of petroleum products, § 14-109.
Gasoline.
See Gasoline.
Harbor and port of Savannah.
Deposit of oil prohibited, § 18-115.
Liquefied petroleum gas, §§ 14-401 to 14-407.
See Fire Protection.
Oil.
See Oil.

PHYSICIANS AND SURGEONS.
Boxing.
Appointment, § 28-210.
Duties, § 28-211.
Fees, § 28-211.
City dispensary.
Only regularly licensed physician may prescribe upon the dispensary, § 29-204.
City physician.
Power of city manager, char., § 1-225.
Police.
Reports.
Make certain reports to police, § 27-109.
Prescriptions.
City dispensary, §§ 29-201 to 29-209.
See City Dispensary.
Venereal diseases.
Only physician to treat, § 29-123.

PINBALL MACHINES.
Prohibited, § 28-106.
Exceptions, § 28-106.

PINBALL MACHINES—Cont'd
Trade stimulating or mechanical game devices.
Generally, §§ 28-101 to 28-104.
See Trade Stimulating or Mechanical Game Devices.

PLANNING AND ZONING, char., §§ 1-1601 to 1-1629.
See Zoning.

PLEADING.
City court.
See Courts.

PLUMBING.
Abbreviations, § 26-101.
Applicability of chapter, § 26-401.
Back-water valves, § 26-496.
Basement drains, § 26-495.
Bathrooms.
Ventilation, § 26-417.
Baths.
Drum traps for, § 26-490.
Bends.
Lead bends.
Quality and weight, § 26-456.
Board of plumbing examiners.
Examination of applicants for plumbers' proficiency cards.
Rules, etc., of board, § 26-318.
Generally, § 26-102.
Boilers.
Connections for exhaust, drip, etc.
Pipes from steam boilers, § 26-438.
Bond.
Inspector of plumbing, § 26-204.
Master plumbers, § 26-109.
Branch.
Defined, § 26-101.
Brass.
Caulking ferrules, § 26-458.
Specifications for brass pipes, § 26-455.
Building drain.
Defined, § 26-101.
Cellar drains, § 26-495.

PLUMBING—Cont'd
Cisterns.
Connections of overflow pipes, § 26-440.
Cleanouts.
Inspections and tests.
Removal of cleanouts, § 26-4116.
Pipe cleanout requirements, § 26-414.
Condemnation.
Inspector of plumbing, § 26-209.
Connections.
Between different size pipes, § 26-466.
Exhaust, drip, etc.
Pipes from steam boilers, § 26-438.
Floor connections, § 26-465.
Main vents and vent stacks, § 26-478.
Overflow pipes from cisterns, supply tanks, etc., § 26-440.
Roof connections.
Inspection and tests, § 26-4112.
Toggle bolts to be used at certain connections, § 26-467.
Copper, etc., pipes.
Specifications, § 26-455.
Dead end.
Defined, § 26-101.
Defective materials.
Use prohibited, § 26-454.
Definitions, § 26-101.
Director of public improvements.
General authority, § 26-103.
Drainage system.
Cellar and basement floor drains, § 26-495.
Cleanouts required for, § 26-413.
Defined, § 26-101.
Design, construction, etc.
Generally, § 26-411.
Drain cocks, § 26-425.
Food receptacles not to be connected with, § 26-416.
Harmful substances not to enter, § 26-415.
Laying drains near bearing or foundation walls, § 26-435.
Leakproof, § 26-412.
Swimming pools.
Floor drains, § 26-4104.

PLUMBING—Cont'd
Examination.
Applicants for proficiency cards. See within this title, "Plumbers".
Excavations.
Interior, § 26-434.
Extensions.
Soil, waste, etc., stacks, § 26-473.
Fees.
Examination of applicants for plumbers' proficiency cards, § 26-315.
Inspections and tests, § 26-4117.
Ferrules.
Brass caulking ferrules, § 26-458.
Fire protection.
Gas and oil traps required in certain establishments, § 14-112.
Fixtures.
Certain fixtures prohibited, § 26-446.
Defined, § 26-101.
Generally, § 26-408.
Installation below street grade level, § 26-497.
Installed open and pipe running to wall, § 26-444.
Placing one above the other, § 26-443.
Removal, § 26-449.
Replacement, § 26-481.
Unit discharge, § 26-471.
Venting required of those installed in outbuildings, § 26-448.
Floors.
Connections, § 26-465.
Gas and oil.
Traps required for certain establishments, §§ 14-112; 26-498.
Health and sanitation.
System to be maintained in sanitary condition, § 26-404.
Housing.
Duties of occupants as to, § 19-149.
Fixtures to be provided with running water and connected to sewer, § 19-133.

PLUMBING—Cont'd
Housing—Cont'd
Installation and maintenance of fixtures and pipes generally, § 19-129.
Installations to comply with title 26 of this Code, § 19-134.
Rooming houses, § 19-152.
Unsanitary plumbing fixtures, § 19-135.
Hubs.
Double hubs.
Use, § 26-453.
Inspections and tests.
Alterations, § 26-4111.
Certificate of approval, § 26-4120.
Cleanouts.
Removal, § 26-4116.
Conductor pipes, § 26-4112.
Connections.
Roof connections, § 26-4112.
Defective work.
Replacement, § 26-4119.
Equipment, power, etc., to be supplied by plumber, § 26-4118.
Fees, § 26-4117.
Fixtures, § 26-4111.
Generally, § 26-4108.
Hydraulic test, § 26-4115.
Notice to inspector, § 26-4109.
Peppermint tests, § 26-4113.
Smoke tests, § 26-4113.
Water distribution system, § 26-4110.
Water test, § 26-4114.
Inspector.
Appointment, § 26-202.
Association with private firm.
Prohibited, § 26-205.
Bond, § 26-204.
Condemnation of faulty plumbing or drainage, § 26-209.
Control of methods and materials used in plumbing or drainage system, § 26-206.
Duties.
Miscellaneous, § 26-211.
Inspections and tests. See within this title, "Inspections and Tests".
New work.
Inspection, § 26-207.
Office created, § 26-201.

PLUMBING—Cont'd
Inspector—Cont'd
Qualifications, § 26-203.
Records, § 26-210.
Reports, § 26-210.
Right of entry, § 26-208.
Interchanging of conductors and soil, waste, etc., pipes.
Prohibited, § 26-439.
Joints.
Full-wiped, etc., in certain cases, § 26-462.
Gastight, § 26-459.
Generally, § 26-459.
Requirements when caulked, § 26-463.
Vitrified clay pipe, § 26-460.
Watertight, § 26-459.
Watertight at roof, § 26-464.
Wrapped in certain cases, § 26-461.
Lavatories.
Material for, § 26-488.
Lead.
Quality and weight of lead pipe, bends and traps, § 26-456.
Weight of sheet lead, § 26-457.
Main.
Defined, § 26-101.
Materials.
Use of defective materials.
Prohibited, § 26-454.
Outbuildings.
Venting required for fixtures installed in, § 26-448.
Overflow pipes.
Connections, § 26-440.
Permits.
Work.
Compliance with conditions, § 26-106.
Required, § 26-105.
Pipes.
Brass, copper, etc.
Specifications, § 26-455.
Circulation adequate, § 26-414.
Cleanouts.
Requirements, § 26-414.
Elevation of service pipes, § 26-424.
Extra heavy pipe to be used in certain buildings, § 26-469.
Horizontal piping generally, § 26-450.

PLUMBING—Cont'd
Pipes—Cont'd
Lead pipes.
Quality and weight, § 26-456.
Material for water supply pipes, § 26-426.
Openings and chases to be enclosed or sealed, § 26-4107.
Quality and weight of lead pipes, bends and traps, § 26-456.
Size.
Defined, § 26-101.
Service pipes, § 26-423.
Sink wastes, § 26-470.
Used pipes not to be used for water distribution, § 26-457.
Plans.
Work to be done in accordance with approved plans, § 26-402.
Plumbers.
Examination of applicants for proficiency cards.
Board of plumbing examiners.
Rules, etc., § 26-318.
Contents.
Journeyman plumbers, § 26-313.
Master plumbers, § 26-314.
Fees, § 26-315.
Furnish material.
Applicant to furnish, § 26-316.
General nature, § 26-312.
Held when, § 26-311.
Required, § 26-310.
Written or oral, § 26-317.
Exception, § 26-317.
Journeyman plumber.
Defined, § 26-101.
Examination of applicant for proficiency cards, § 26-313.
License.
Proficiency card.
Prerequisite to issuance, § 26-302.
Master plumbers.
Bond, § 26-109.
Defined, § 26-101.

PLUMBING—Cont'd
Plumbers—Cont'd
Master plumbers—Cont'd
Examination of applicant for proficiency cards, § 26-314.
Register, § 26-108.
Proficiency cards.
Denial, § 26-307.
Issuance, § 26-305.
Master's card.
Who entitled to receive, § 26-304.
Prerequisite to issuance of license, § 26-302.
Renewal, § 26-306.
Required, § 26-301.
Revocation, § 26-309.
Signing, § 26-303.
Use by another prohibited, § 26-308.
Submit plans for proposed work, § 26-104.
Refrigerators.
Drainage generally, § 26-4100.
Replacements.
Fixtures, § 26-481.
Traps under fixtures, § 26-482.
Right of entry.
Inspector of plumbing, § 26-208.
Rodent control.
Pipe openings and chases to be enclosed or sealed, § 26-4107.
Septic tanks.
Approval, § 26-419.
Defined, § 26-101.
Inspection, § 26-420.
Permit, § 19-137.
Required in certain cases, § 26-418.
Specifications, § 26-419.
Sewage.
Defined, § 26-101.
Sewers.
Back flow of sewage.
Protection from, § 26-421.
Building sanitary sewer.
Defined, § 26-101.
Building sewers.
Generally, § 26-431.
Separate trenches required for, § 26-432.
Connections.
Required, § 26-407.
Supervision, § 26-441.

PLUMBING—Cont'd
Sewers—Cont'd
Disconnecting sewer lines, § 26-449.
Facilities required, § 26-406.
Generally.
See Sewers.
Laying of sewers or drains near bearing or foundation walls, § 26-435.
Lifting of sewage and waste, § 26-436.
Obstructing public sewers, § 26-442.
Proximity of water pipes and sewers, § 26-433.
Separate trenches required for building sewers, § 26-432.
Waste.
Temperature of liquid waste, § 26-437.
Showers.
Swimming pools, § 26-4103.
Sinks.
Required, § 26-409.
Size of pipe for sink wastes, § 26-470.
Soil lines.
Change in grade and direction, § 26-452.
Soil pipe.
Cleanouts, § 26-414.
Defined, § 26-101.
Interchanging with conductors prohibited, § 26-439.
Extensions, § 26-473.
Generally, § 26-472.
Material for inside soil pipes, § 26-468.
Stack.
Defined, § 26-101.
Stop cocks, § 26-425.
Supply tanks.
Connections of overflow pipes, § 26-440.
Discharge of supply tank pipes and exhaust from water lift, § 26-4101.
Swimming pools.
Floor drains, § 26-4104.
Scum gutters, § 26-4105.
Showers, § 26-4103.
Water closets, § 26-4106.
System.
Defined, § 26-101.
Maintained in sanitary condition, § 26-404.
Separate, § 26-405.

PLUMBING—Cont'd
Tests. See within this title, "Inspections and Tests".
Toggle bolts.
Used at certain connections, § 26-467.
Toilets.
Venting of toilets on horizontal runs or vertical stacks, § 26-451.
Trailer lots, camps and parks.
Requirements, § 35-111.
Traps.
Anti-siphon traps.
Use, § 26-491.
Back venting.
Prohibited, § 26-483.
Baths.
Drum traps for, § 26-490.
Certain traps must not be back vented, § 26-483.
Cleanouts on concealed traps, § 26-493.
Defined, § 26-101.
Drum traps for baths, § 26-490.
Gas and oil traps.
Required for certain establishments, § 26-498.
Grease traps, § 26-499.
Lead traps.
Quality and weight, § 26-456.
Level in relation to water seal, § 26-492.
Location generally, § 26-475.
Material for lavatory, sink, etc., traps, § 26-488.
Placement of traps in relation to vents, § 26-477.
Protection of fixture trap against siphonage, etc., § 26-476.
Replacement, § 26-482.
Seal traps required, § 26-475.
Use of anti-siphon traps, § 26-491.
Using movable parts prohibited, § 26-489.
Venting.
Certain traps to be vented, § 26-484.
T's.
Sanitary T's.
Use, § 26-453.
Urinals.
Flushing apparatus for, § 26-422.

PLUMBING—Cont'd
Valves.
Back-water valves, § 26-496.
Ventilation.
Bathrooms, § 26-417.
Vent pipes.
Circuit or loop vents, § 26-480.
Combination vent.
Defined, § 26-101.
Connection of main vents and vent stacks, § 26-478.
Continuous vent.
Defined, § 26-101.
Defined, § 26-101.
Horizontal vents prohibited below spill line, § 26-486.
Installation of waste pipe on combination waste and vent system, § 26-487.
Loop or circuit vent.
Defined, § 26-101.
Minimum size, § 26-494.
Outbuildings.
Required, § 26-448.
Sizes, § 26-485.
Slope of vent pipes, etc., § 26-479.
Soil vent.
Defined, § 26-101.
Termination.
Pipes not to terminate under overhang, § 26-474.
Toilets on horizontal runs or vertical stacks, § 26-451.
Wet vent.
Defined, § 26-101.
Waste pipe.
Change in grade and direction, § 26-452.
Defined, § 26-101.
Installation of waste pipe on combination waste and vent system, § 26-487.
Interchanging with conductors prohibited, § 26-439.
Material for inside waste pipes, § 26-468.
Minimum size, § 26-494.
Wastes.
Discharge of acid liquid wastes, § 26-4102.
Size of pipe for sink wastes, § 26-470.
Waste stacks.
Extensions, § 26-473.
Generally, § 26-472.

PLUMBING—Cont'd
Water.
Pipes.
Used pipes not to be used, § 26-427.
Proximity of water pipes and sewers, § 26-433.
Required, § 26-406.
Water closets.
Bowls and traps to be made in one piece, § 26-445.
Flushing apparatus for water closets and urinals, § 26-422.
Required, § 26-409.
Size of pipes conveying water to, § 26-410.
Style of water closet seats, § 26-447.
Swimming pools, § 26-4106.
Water heaters.
Design, § 26-428.
Inspection, § 26-430.
Installation.
Generally, § 26-428.
Relief valves, § 26-429.
Venting, § 26-430.
Water lift.
Discharge of supply tank pipes and exhaust from water lift, § 26-4101.
Work.
Accordance with approved plans, § 26-402.
Defective work.
Replacement, § 26-4119.
Permit.
Compliance with conditions, § 26-106.
Required, § 26-105.
Who may do work, § 26-107.
Workmanlike manner, § 26-403.

POLES AND WIRES.
Advertising.
Banners, placards, etc., not to be attached to, § 4-104.
Cemeteries.
Wires, boards, etc., prohibited, § 10-156.
Electricity.
Generally.
See Electricity.
Streets and sidewalks.
Change of location, § 30-132.
Hooks and prongs prohibited near street surface, § 30-131.

POLES AND WIRES—Cont'd
Streets and sidewalks—Cont'd
Removal, § 30-132.
Right to charge for erection of poles on streets, char., § 1-2203.
Right to erect, § 30-130.
Tax, § 30-133.
Taxation.
Poles in street, § 30-133.
Wiring.
See Electricity.

POLICE.
Abandonment.
Sale of unclaimed property, § 27-104.
Aid from citizens, § 27-106.
Airports.
Jurisdiction, char., § 1-1203.
Protection, char., § 1-1204.
Bacon Park.
Employees.
Police power, char., § 1-1324
Jurisdiction, char., § 1-1321.
Bond.
Chief of police, § 27-203.
Chief of police.
Amusement boards or amusement books.
Approval by chief of police, § 28-105.
Appointment, § 27-202.
Bond, § 27-203.
Duties, § 27-205.
Relative to police equipment, § 27-206.
Office created, § 27-201.
Power of city manager, char., § 1-225.
Powers.
Generally, § 27-205.
Reports.
Making, § 27-207.
Term, § 27-204.
Court, char., §§ 1-501 to 1-529.
See Courts.
Department.
Clerk.
Serve as clerk of police court of city, § 1-507.
Detectives.
City manager chief of detectives, char., § 1-225.
District.
Police district, char., § 1-106.

POLICE—Cont'd
Elections.
Interference with voters prohibited, char., § 1-740.
Under control of mayor on election day, char., § 1-740.
Fines.
Payment of fines to benevolent association, § 27-110.
Fingerprinting.
General authority relative to, § 27-101.
Fire marshal.
Use of policemen, char., § 1-128.
Health and sanitation.
Certain persons made special police for sanitary purposes, § 29-102.
Hospitals.
Reports.
Make certain reports to police, § 27-109.
Jury duty.
Exemption from, char., § 1-204.
Lost and abandoned property.
Sale of unclaimed property, § 27-104.
Militia.
Exemption from, char., § 1-204.
Motor vehicles and traffic.
Duty to obey traffic officers, § 22-108.
Parking meter violations.
Report, § 22-214.
Prohibited from receiving money for traffic violations, § 22-154.
Oaths.
Swearing by clerk of council, § 3-308.
Obstructing or hindering, § 24-129.
Pawnbrokers.
Daily report to police, § 25-116.
Premises to be open to police, § 25-108.
Photographs.
General authority relative to, § 27-101.
Physicians and surgeons.
Reports.
Make certain reports to police, § 27-109.

POLICE—Cont'd
Police protection, char., § 1-131.
Poolrooms.
Open to visits by, § 28-121.
Property.
Sale of unclaimed property, § 27-104.
Radios and televisions.
Tuned to same frequency used by police.
Prohibited, § 27-105.
Reports.
Hospitals and doctors to make certain reports to police, § 27-109.
Resisting, opposing, etc., policemen, § 27-107.
Sales.
Unclaimed property, § 27-104.
Special police for guard duty.
Appointment, § 27-102.
Compensation, § 27-102.
Dismissal, § 27-103.
Special policemen.
Health and sanitation.
Certain persons made special policemen for sanitary purposes, § 29-102.
Wages, char., § 1-208.
Whistles.
Unauthorized use of police whistle, § 27-108.

POLLUTION.
Water, § 37-231.

PONDS.
Water.
Unlawful in city limits, § 37-104.

POOLROOMS.
Closed between midnight and 8:00 A. M., § 28-119.
Disorderly conduct in, § 28-122.
Generally, § 28-118.
Police.
Open to visits by, § 28-121.
Prohibited on portion of Broughton Street, § 28-118.
Exception, § 28-118.
Sundays and holidays.
Operation prohibited, § 28-120.
View from outside not to be obstructed, § 28-121.
Zoning.
Operation prohibited in certain areas, § 38-142.

POOR PERSONS.
See Paupers.

PORT OF SAVANNAH, §§ 18-101 to 18-126.
See Harbor and Port of Savannah.

POULTRY.
Fowl generally.
See Animals and Fowl.
Meat and meat products.
Live poultry to be kept separate, § 15-328.

PRIMARIES.
Elections, char., §§ 1-741 to 1-746.
See Elections.

PRINTER.
City printer.
Power of city manager, char., § 1-225.

PRISON AND PRISONERS.
Chatham County.
Convicts may be sentenced to county chain gang, char., § 1-143.
Convicts.
Convict labor generally, char., §§ 1-141 to 1-143.
Sentencing to county chain gang, char., § 1-143.
County chain gang.
Convicts may be sentenced to, char., § 1-143.
Detention of arrested persons, § 2-106.
Diseased persons.
Indeterminate confinement, char., § 1-527.
Fingerprints.
General authority of police, § 27-101.
Infectious or communicable diseases.
Indeterminate confinement of diseased persons, char., § 1-527.
Labor.
Convict labor generally, char., §§ 1-141, 1-143.
Persons sentenced to labor to be turned over to mayor and alderman, § 1-142.

PRISON AND PRISONERS—Cont'd
Penalties.
See Penalties.
Persons sentenced to labor to be turned over to mayor and aldermen, char., § 1-142.
Photographs.
General authority of police, § 27-101.
Police court.
Authority to commit offenders to jail, char., § 1-515.
Public works.
Convict labor on public works, § 2-108.
Sentence and punishment.
County chain gang, char., § 1-143.
Suspension, modification, etc., of penalties, char., § 1-521.
Treadmills, char., § 1-141.
Venereal diseases.
Indeterminate confinement of diseased persons, char., § 1-527.
Women.
Imprisonment of women, char., § 1-516.
Work houses and treadmills, char., § 1-141.

PRIVIES.
Abolition, char., § 1-2108.
Cleaning of privy vaults, char., § 1-1704.
Removal, § 19-138.
Waste not to be emptied into privy vaults, § 37-105.

PROCESSIONS.
Motor vehicles and traffic.
Driving through generally, § 22-121.
Funeral processions.
Driving through, § 22-122.

PROPERTY.
Defined, § 2-102.
Ground-rent.
Future sale of city property on ground-rent basis prohibited, § 3-105.
Re-entry and sale of land previously sold on ground-rent basis, § 3-106.
Personal property.
Defined, § 2-102.

PROPERTY—Cont'd
Police.
Sale of unclaimed property, § 27-104.
Public property generally.
Injuring or defacing.
Prohibited, § 24-133.
Real property.
See Real Property.
Sale.
City property generally, § 3-104.
Ground rent.
Future sale of city property on ground-rent basis prohibited, § 3-105.
Re-entry and sale of land previously sold on ground-rent basis, § 3-106.
Streets and sidewalks.
Generally.
See Streets and Sidewalks.
Streets may be closed for purpose of erecting public buildings, char., § 1-2208.

PROSTITUTION.
Consorting for immoral purposes, § 24-102.
Disorderly houses, § 24-104.
Hotels, inns, etc.
Use for immoral purposes, § 24-120.
Immoral solicitations, etc., § 24-122.
Tourist camps, roadhouses and similar places.
Enticing females to enter premises for immoral purposes, § 34-111.
Occupancy of rooms for immoral purposes, § 34-110.
Transportation of women for immoral purposes, § 24-144.

PUBLIC AMUSEMENTS.
Amusement boards.
Regulations, § 28-105.
Amusement books.
Regulations, § 28-105.
Billiard parlors. See within this title, "Poolrooms".
Boards.
Amusement boards.
Regulations, § 28-105.
Books.
Amusement books.
Regulations, § 28-105.

PUBLIC AMUSEMENTS — Cont'd
Bowling alleys.
Close between midnight and 8:00 A. M., § 28-117.
Disorderly conduct, § 28-122.
Boxing, §§ 28-201 to 28-213.
See Boxing.
Circuses.
Permit, § 28-108.
Coin-operated machines.
Prohibited, § 28-106.
Exceptions, § 28-106.
Trade stimulating or mechanical game devices. See within this title, "Trade Stimulating or Mechanical Game Devices".
Dances.
Dance hall.
Permit.
Required, § 28-110.
Revocation, § 28-111.
Public dances.
Permit, § 28-109.
Exhibitions.
Permits for miscellaneous entertainment, § 28-112.
Miscellaneous entertainments.
Permits for, § 28-112.
Motion pictures.
See Moving Pictures.
Moving pictures.
See Moving Pictures.
Music machines.
Permit for, § 28-107.
Permits.
Circuses, § 28-108.
Dances.
Dance hall, §§ 28-110, 28-111.
Miscellaneous entertainments, § 28-112.
Public dances, § 28-109.
Music machine, § 28-107.
Public dances, § 28-109.
Poolrooms.
Close between midnight and 8:00 A. M., § 28-119.
Disorderly conduct in, § 28-122.
Generally, § 28-118.
Police.
Open to visits by, § 28-121.

PUBLIC AMUSEMENTS — Cont'd
Poolrooms—Cont'd
Prohibited on portion of Broughton Street, § 28-118.
Exception, § 28-118.
Sunday operation prohibited, § 28-120.
View from outside not to be obstructed, § 28-121.
Zoning.
Operation prohibited in certain areas, § 38-142.
Theatres and shows.
Permits.
Miscellaneous entertainments, § 28-112.
Trade stimulating or mechanical game devices.
Coin-operated machines.
Prohibited, § 28-106.
Gambling.
Prohibited, § 28-103.
Generally, § 28-101.
License.
Forfeiture, § 28-104.
Location, § 28-102.
Minors not to operate, § 28-101.
Notice as to, § 28-103.
Placarding, § 28-103.

PUBLIC ASSEMBLIES.
Fire protection.
Smoking in, § 14-122.
Regulated, § 24-131.

PUBLICATION.
Streets and sidewalks.
Notices, char., § 1-2231.

PUBLIC BUILDINGS.
See Buildings.

PUBLIC IMPROVEMENTS.
Contracts and purchases.
See Contracts and Purchases.
Departments.
Established, § 3-501.
Functions.
Generally, § 3-502.
Director.
Appointment, § 3-504.
Buildings.
General powers and duties relative to building operations, § 9-101.

PUBLIC IMPROVEMENTS — Cont'd
Director—Cont'd
Duties, § 3-506.
Fuel oil tanks within street lines.
Investigations and recommendations, § 30-107.
Interference with markers erected by director prohibited, § 3-508.
Office.
Created, § 3-503.
Powers, § 3-506.
Right of entry, § 3-507.
Salary, § 3-505.
Subdivision.
Approval of plan, § 31-105.
Title.
Created, § 3-503.
Streets and sidewalks.
See Streets and Sidewalks.
Subdivisions.
Approval of plan by director of public improvements § 31-105.

PUBLIC OFFICERS.
See Officers and Employees.

PUBLIC PLACES.
Animals and fowl.
Livestock and fowl not to be kept in, § 6-101.
Fire protection.
Fires in public places.
Prohibited, § 14-104.

PUBLIC PROPERTY.
See Property.

PUBLIC WORKS.
Director.
Power of city manager, char., § 1-225.
Prisons and prisoners.
Convict labor on public works, § 2-108.

PURCHASES AND CONTRACTS, char., § 1-216.
See Contracts and Purchases.

PUSHCARTS.
Food and food products.
Sales from prohibited, § 15-107.

R

RADIO AND TELEVISION.
Courts.
Broadcast of police court proceedings prohibited, char., § 1-511.
Police.
Tuned to same frequency used by police.
Prohibited, § 27-105.

RAILROADS.
Motor vehicles and traffic.
Irons, poles, etc., to be transported lengthwise, § 22-141.
Streets and sidewalks.
Crossings.
At Bull Street and Victory Drive, § 30-120.
Bay Street, § 30-121.
Improvements.
Duty of railroads, char., § 1-2218.
Trains not to block streets for more than five minutes, § 30-119.
Traffic expert.
Appointment, char., § 1-1101.
Trains.
Improper boarding, riding, etc., § 24-143.

RAT CONTROL.
See Rodent Control.

REAL PROPERTY.
Defined, § 2-102.
Ground-rent.
Future sale of city property on ground-rent basis prohibited, § 3-105.
Re-entry and sale of land previously sold on ground-rent basis, § 3-106.
Owner.
Defined, § 2-102.
Recordation.
Authority to require recordation of land transfers and grantee to pay taxes, char., § 1-2410.
Sale.
City property generally, § 3-104.

REAL PROPERTY—Cont'd
Taxation.
Authority to require recordation of land transfers and grantee to pay taxes, char., § 1-2410.
Board of tax appeals, §§ 32-301 to 32-312.
See Taxation.
Taxes to be paid before recordation of real estate transfers, § 32-108.
Transfer of land on city tax books, char., § 1-2411.

RECORDATION.
Council.
Minutes, § 3-310.
Real property.
Authority to require recordation of land transfers and grantee to pay taxes, char., § 1-2410.

RECORDER'S COURT.
Police court, §§ 3-801 to 3-804; char., §§ 1-501 to 1-529.
See Courts.

RECREATION.
Parks and recreation, char., §§ 1-1301 to 1-1340.
See Parks and Recreation.

REFRIGERATORS.
Abandonment, § 24-121.
Electricity, § 13-161.
Plumbing.
Drainage generally, § 26-4100.
Trailer lots, camps and parks.
Receptacles for, § 35-111.

RELATED LAWS.
See Charter and Related Laws.

RELIGION.
See Churches.

RESTAURANTS.
Food establishments, §§ 15-201 to 15-213.
See Food and Food Establishments.

RETIREMENT.
Officers and employees, §§ 3-120, 3-121; char., § 1-15.
See Officers and Employees.

RIGHT OF ENTRY.
Buildings.
Director of public improvements, § 3-507.
Inspector, § 9-207.
Electricity.
Electrical inspector, § 13-122.
Food and food establishments, § 15-210.
Health officer's right to enter food establishments, § 15-101.
Health and sanitation.
Health officers, § 29-101.
Plumbing.
Inspector of plumbing, § 26-208.
Taxation.
Board of tax assessors, § 32-213.
Water.
Premises supplied with water, § 37-227.

ROADHOUSES.
Tourist camps, §§ 34-101 to 34-114.
See Tourist Camps, Roadhouses and Similar Places.

RODENT CONTROL.
Generally, § 19-141.
Harbor and port of Savannah.
Rat guards, § 18-126.
Plumbing.
Pipe openings and chases to be enclosed or sealed, § 26-4107.

ROOMING HOUSES.
Defined, § 19-103.
Fire protection.
Bulletin to be posted, § 14-126.
Report of fires, § 14-126.
Setting fire to bedding, furniture, etc., § 14-124.
Hotels.
See Hotels.
Linens, § 19-153.
Plumbing facilities, § 19-152.
Responsibility of operator for sanitary conditions, § 19-154.

RUBBISH, §§ 17-101 to 17-113.
See Garbage and Trash.

RULES AND REGULATIONS.
Armstrong College, char., § 1-312.
Boxing.
Commission, § 28-212.

RULES AND REGULATIONS—Cont'd
Cemeteries, § 10-160.
Electricity.
Additional regulations, § 13-180.
Ferries, char., § 1-904.
Fire protection.
Fire department, § 14-206.
Harbor and port of Savannah, § 18-101.
Hospitals, char., § 1-1703.
Milk and milk products, § 21-101.
Park and tree commission, char., § 1-1316.
Parks and recreation.
Recreation commission, § 3-1008.
Planning commission, char., § 1-1613.
Recreation commission, char., § 1-1303.
Taxation.
Board of tax appeals, § 32-311.

S

SALES.
Advertising.
Signs advertising business on same premises and "for sale" signs, § 4-209.
Bankrupt sales.
Regulated, § 24-110.
Closing out sales.
Fire, bankrupt, etc., sales, § 24-110.
False representations generally, § 24-135.
Firearms, §§ 24-105 to 24-108.
See Weapons.
Fire sales.
Regulated, § 24-110.
Motor vehicles and traffic.
Automobile dealers, §§ 22-104, 22-105.
Peddlers of farm and orchard products, §§ 15-401 to 15-409.
See Peddlers of Farm and Orchard Products.
Police.
Unclaimed property, § 27-104.
Prohibited if not covered by city license, § 24-136.
Streets and sidewalks.
Streets, lanes, etc., to abutting property owners, char., § 1-2207.

SALES—Cont'd
Taxation.
Purchaser at tax sale to be put in possession, § 32-111.
Town common.
Confirmation of sale of certain lots, char., § 1-110.
Trade stimulating or mechanical game devices.
Generally, §§ 28-101 to 28-104.
See Trade Stimulating or Mechanical Game Devices.
Transient traders, §§ 36-101 to 36-208.
See Transient Traders.

SANITARIUM.
See Hospitals.

SANITATION, §§ 29-101 to 29-209.
See Health and Sanitation.

SAVANNAH RIVER.
Bridge commission, char., §§ 1-2001 to 1-2007.
See Bridges.
Jurisdiction.
Vessels and crews in Savannah River, char., § 1-108.
Vessels and crews.
Jurisdiction over, char., § 1-108.
Wharf Head.
Rights in Wharf Head transferred to city, char., § 1-120.

SCHOOLS.
Alcoholic beverages.
Sales near prohibited, § 5-114.
Armstrong College, char., §§ 1-301 to 1-313.
See Armstrong College.
Buildings.
Board of public education.
Control of buildings and grounds, char., § 1-613.
Generally.
See Education.
Control of buildings and grounds, char., § 1-613.
Massie School.
Control of buildings and grounds, char., § 1-613.
Closing to prevent spread of disease, § 29-113.
Colored children.
Charter amendment confirmed, char., §§ 1-617, 1-618.

SCHOOLS—Cont'd
Day nurseries and kindergartens.
See Day Nurseries and Kindergartens.
Fire protection.
Fire drills in schools, § 14-115.
Massie School Commissioners.
Members of board of public education, char., § 1-607.
Pensions.
Authority of board of education to administer, char., §§ 1-615, 1-616.
Private schools.
Inspection of pupils, § 29-115.
Trade stimulating or mechanical game devices.
Location within one hundred yards.
Prohibited, § 28-102.

SECONDHAND GOODS, §§ 20-101 to 20-124.
See Junk and Secondhand Goods.

SEPTIC TANKS.
Approval, § 26-419.
Defined, § 26-101.
Inspection, § 26-420.
Permit, § 19-137.
Required in certain cases, § 26-418.
Specifications, § 26-419.

SERVICE OF PROCESS.
Municipal Court.
When suits may be served by mail, char., § 1-548.
Sheriff.
City Court, char., § 1-5103.

SERVICE STATIONS.
See Filling Stations.

SEWERS.
Appeals.
Property owner's right of appeal, char., § 1-2110.
Assessments.
Collection, char., § 1-2114.
Back flow of sewage.
Protection from, § 26-421.
Building sewers.
Generally, § 26-431.
Separate trenches required for, § 26-432.

SEWERS—Cont'd
Charges.
Accounts.
Treasurer to keep account of, char., § 1-1007.
Billing, char., § 1-1003.
Checks on funds, char., § 1-1008.
Collection.
Authority, char., § 1-1001.
Deposit and use of revenue, char., §§ 1-1006, 1-1007.
For portion of month, char., § 1-1002.
Funds.
Checks on funds, char., § 1-1008.
Investment, char., § 1-1009.
Safeguarding, etc., char., § 1-1007.
Independent of other taxes, char., § 1-1010.
Payment.
By whom payable, char., § 1-1002.
Failure to pay, char., § 1-1005.
When due and payable, char., § 1-1004.
Portion of month.
Charge for, char., § 1-1002.
Revenue.
Deposit and use, char., § 1-1006.
Safeguarding, etc., funds, char., § 1-1007.
Sewerage service beyond city limits, § 37-507.
Taxes.
Charges are independent of other taxes, char., § 1-1010.
Use of revenue, char., § 1-1006.
Condemnation.
Property for drainage purposes, char., § 1-2104.
Connections.
Owners to make connections, char., § 1-2111.
Required, § 26-407.
Supervision, § 26-441.
Construction.
Notice of drain construction, char., § 1-2110.
Corporate limits.
Extensions beyond city limits, char., § 1-2113.
Charges, § 37-507.

SEWERS—Cont'd
Corporate limits—Cont'd
Sewerage service beyond. See within this title, "Sewerage Service Beyond Corporate Limits".
Costs.
Apportionment, char., § 1-2107.
Cross drains, char., § 1-2106.
Disconnecting sewer lines, § 26-449.
Drainage system.
Authority to establish.
Generally, char., § 1-2101.
Condemnation, char., § 1-2104.
Drain-flushing facilities, char., § 1-2108.
Fire protection.
Gasoline, etc., not to be emptied into sewers, § 14-111.
Funds.
Disposition of funds derived from sewerage systems, § 37-101.
Harbor and port of Savannah.
Obstructing mouth of.
Prohibited, § 18-121.
Housing.
Drainage system, § 19-116.
Plumbing fixtures to be connected with, § 19-133.
Jurisdiction.
City over soil pipes, private sewers, etc., char., § 1-2102.
Laying of sewers or drains near bearing or foundation walls, § 26-435.
Lifting of sewage and waste, § 26-436.
Main trunk outlets, char., § 1-2106.
Obstructing public sewers, §§ 18-121, 26-442.
Permits.
Sewerage service beyond city limits, §§ 37-501, 37-502.
Plumbing.
Connections required, § 26-407.
Facilities required, § 26-406.
Primary drains.
Authority to construct system of, char., § 1-2103.
Private sewers and drains.
Acceptance by city, char., § 1-2109.
Jurisdiction, char., § 1-2102.

SEWERS—Cont'd
Privies.
Abolition, char., § 1-2108.
Waste not to be emptied into privy vaults, § 37-105.
Property owner's right of appeal, char., § 1-2110.
Proximity of water pipes and sewers, § 26-433.
Repairs.
Made by city, char., § 1-2112.
Separate trenches required for building sewers, § 26-432.
Service.
Duty to furnish service to all parts of city, char., § 1-2105.
Sewerage service beyond corporate limits.
Authorized, char., § 1-2113.
Bond.
Required of property owner, § 37-505.
Connections.
Title to equipment used in making passes to city where property annexed, § 37-508.
Consideration of proposals from more than one subdivision, § 37-506.
Deposit.
Required of property owner, § 37-505.
Fee.
Agreement as to payment of permit fee, § 37-504.
Permit.
Fee, § 37-502.
Generally, § 37-501.
Property owner.
Bond or deposit required of, § 37-505.
Certain statements required, § 37-503.
Service charge, § 37-507.
Statements required of property owner, § 37-503.
Subdivision.
Consideration of proposals from more than one subdivision, § 37-506.
Title to equipment used in making connections passes to city where property annexed, § 37-508.

SEWERS—Cont'd
Sewerage systems.
Construction, repair, etc., § 37-103.
Disposition of funds derived from, § 37-101.
Long-range development, § 37-102.
Soil pipes.
Jurisdiction, char., § 1-2102.
Streets and sidewalks.
Connections.
Authority to make, char., § 1-2225.
Making of underground connections before paving, char., § 1-2216.
Subdivisions.
Laying of sewer mains, § 31-108.
Sewerage service beyond corporate limits.
Consideration of proposals from more than one subdivision, § 37-506.
"T's" to be supplied for each lot, char., § 1-2111.
Waste.
Temperature of liquid waste, § 26-437.
Water.
See Water.
Water closets.
Obstructing, § 37-106.

SHERIFFS.
City Court, char., §§ 1-5101 to 1-5105.
See Courts.
Municipal Court, char., §§ 1-536 to 1-541.
See Courts.

SHIPS AND SHIPPING.
See Harbor and Port of Savannah.

SHOPPING CENTERS.
Water.
Meters for, § 37-213.

SIDEWALKS, §§ 30-101 to 30-424; char., §§ 1-2201 to 1-2242.
See Streets and Sidewalks.

SIGNS AND BILLBOARDS.
See Advertising.

SINKING FUND.
Commission.
Composition, § 3-1303.
Created, § 3-1302.
Election, § 3-1304.
Investment of funds.
Generally, § 3-1310.
Interest, § 3-1311.
Oath, § 3-1304.
Officers and employees.
City officers not eligible to serve as members, § 3-1305.
Receipt of funds from treasurer, § 3-1308.
Removal of members, § 3-1312.
Segregation of funds, § 3-1309.
Taxation.
Enforcement, § 3-1307.
Term, § 3-1304.
Treasurer.
Receipt of funds from treasurer, § 3-1308.
Vacancies, § 3-1306.
Created, § 3-1301.
Interest.
Investment of funds, § 3-1311.
Taxation.
Enforcement of taxation, § 3-1307.

SINKS.
Plumbing.
Required, § 26-409.

SIRENS.
Noise.
Exception, § 23-106.
Use prohibited, § 23-106.

SLAUGHTERHOUSES.
Meat establishments, §§ 15-301 to 15-328.
See Meat and Meat Products.

SLINGSHOTS.
Use prohibited, § 24-137.

SLOT MACHINES.
Prohibited, § 28-106.
Exception, § 28-106.
Trade stimulating or mechanical game devices.
Generally, §§ 28-101 to 28-104.
See Trade Stimulating or Mechanical Game Devices.

SMALL LOANS.
Regulation, char., § 1-133.

SMALLPOX.
Vaccination.
Compulsory, § 29-114.

SMOKING.
Beds.
Prohibited, § 14-123.
Harbor and port of Savannah.
During loading or unloading operations, § 18-208.
"No smoking" signs at places used for storing cotton, naval stores, etc., § 18-202.
Prohibited on wharves, docks, etc., § 18-201.
Talmadge Bridge.
No smoking on bridge, § 18-212.
Hotels, rooming houses, etc.
Bulletin to be posted, § 14-125.
Reports of fires, § 14-126.
Setting fire to bedding, furniture, etc., § 14-124.
In auditorium and other places of public assembly, § 14-122.

SODA FOUNTAINS.
Generally.
See Food and Food Establishments.
Paper cups.
Use of paper cups may be required when, § 15-213.
Permits.
Revocation of soda fountain permits in case of epidemic, § 15-213.

SOLICITATION.
Cemeteries.
Sale of merchandise, solicitation of money, etc., prohibited, § 10-154.
Trade in front of business prohibited, § 24-138.

SPITTING.
On sidewalks, etc.
Prohibited, § 29-108.

SQUIRRELS.
Killing or injuring prohibited, § 6-105.

STADIUM.
Appropriations, char., § 1-1301.
Manager.
Power of city manager, char., § 1-225.
STADIUM—Cont'd
Operation and maintenance, char., § 1-1301.
Park and tree commission.
Agreements with, char., § 1-1301.

STATE.
Appearance bond when state law violated, char., § 1-524.
Defined, § 2-102.
District authority.
Conveyances from, char., § 1-1918.
Historic site and monument commission.
Conveyance of property to commission, char., § 1-1813.
Motor vehicles and traffic.
Adoption of state law, § 22-101.
Streets and sidewalks.
Ownership of abutting property, char., § 1-2232.

STATE AID.
Airport, char., § 1-1220.

STATE FARM AT MILLEDGEVILLE.
Imprisonment of women, char., § 1-516.

STENOGRAPHER.
Courts.
Appointed in lieu of bailiff, char., § 1-5107.
Salary, char., § 1-5107.

STEPPING STONES.
Streets and sidewalks.
Prohibited, § 30-127.

STONES.
Throwing stones prohibited, § 24-142.

STREETS AND SIDEWALKS.
Abutting owners.
Banisters or balustrades required for certain parapet walls, § 30-126.
Numbering houses.
Notice to owners, § 30-302.
Sidewalks, §§ 30-201 to 30-207.
See within this title, "Sidewalks".

STREETS AND SIDEWALKS
—Cont'd
Abutting property owners.
Liability for defective sidewalks, char., § 1-2211.
Sale of streets, lanes, etc., to, char., § 1-2207.
State or political subdivision owner.
Improvements, char., § 1-2232.
Acquisition of land outside of corporate limits.
Authority, char., § 1-112.
Advertising.
Banners prohibited, § 4-102.
Distribution of circulars, bills, etc., prohibited, § 4-108.
Prohibited to be painted on, § 4-105.
Alcoholic beverages.
Obstructing vision from sidewalk into place of business, § 5-120.
Animals and fowl.
Dead animals.
Deposit in prohibited, § 6-112.
Livestock and fowl not to be kept in, § 6-101.
Asphalt.
Protection of asphalt from oil, etc., § 30-113.
Assessments.
Improvements. See within this title, "Improvements."
Awnings.
Regulated, § 30-125.
Barbed wire.
Prohibited, § 30-128.
Barriers.
On or about grass plats.
Regulated, § 30-128.
Bay Street.
Railroad crossing, § 30-120.
Bay Street Viaduct.
Signs and billboards.
Conditions for issuance of permit, § 4-208.
Buildings.
Cellar doors opening on streets and sidewalks, § 30-117.
Throwing, etc., articles from upper stories.
Prohibited, § 30-124.

STREETS AND SIDEWALKS
—Cont'd
Bull Street.
Numbering houses.
Divide eastern and western sections, § 30-304.
Railroad crossing, § 30-120.
Carriage blocks.
Prohibited, § 30-127.
City manager.
Moving houses through streets.
Permission required, § 30-110.
Closing.
Streets may be closed for purpose of erecting municipal buildings, char., § 1-2208.
Condemnation.
Property for street purposes, char., § 1-2206.
Convicts.
Labor on public works, § 2-108.
Corporate limits.
Acquisition of land outside corporate limits, char., § 1-112.
Costs.
Improvements. See within this title, "Improvements."
Curbing, char., § 1-2212.
Dedication of streets.
Annexation, char., § 1-105.
Defined, § 2-102.
Ditches.
Excavations. See within this title, "Excavations".
Doors.
Cellar doors opening on streets and sidewalks, § 30-117.
Electricity.
Making of underground connections before paving, char., § 1-2216.
Excavations.
Backfills.
Inspection.
Notice when inspection desired, § 30-415.
Required, § 30-414.
Made how, § 30-413.
Bonds.
Required, § 30-403.
Buildings.
Protection of existing structures, § 30-405.
Completion of work.
Notice to city, § 30-423.

STREETS AND SIDEWALKS
—Cont'd
Excavations—Cont'd
Cut-backs.
Concrete sidewalks, § 30-420.
Paved streets and alleys, § 30-419.
Ditches.
Near curb line, § 30-418.
Inspection.
Backfills, §§ 30-414, 30-415.
Openings.
Maximum size of pavement openings, § 30-408.
Pavement.
Maximum size of pavement openings, § 30-408.
Trenches in pavement not to be kept open more than five days, § 30-409.
Permit.
Required, § 30-401.
Pipe lines.
Protection, § 30-405.
Plans and specifications, § 30-402.
Repaving, § 30-411.
Settlements after, § 30-424.
Replacing.
Materials generally, § 30-411.
Restoration.
By city, § 30-412.
Unpaved sidewalk, banquette, etc., areas, § 30-417.
Safety measures.
Covers, § 30-422.
Generally, § 30-421.
Supervision of work, § 30-404.
Traffic.
Needless interference with travel prohibited, § 30-410.
Trees and shrubs.
Protection, § 30-406.
Trenches.
Kept open not more than five days, § 30-409.
Near curb line, § 30-418.
Unpaved streets and alleys.
Replacing surface, § 30-416.
Walls.
Vertical walls to be made, § 30-407.
Executions.
Issued by city treasurer, § 3-709.
Proceedings on executions for pavements, sidewalks or curbings, char., § 1-2215.

STREETS AND SIDEWALKS
—Cont'd
Executions—Cont'd
Repair of sidewalk by city.
Execution therefor, § 30-205.
Fences.
Gates not to be left open, § 30-111.
Filling stations.
Fuel oil tanks. See within this title, "Fuel Oil Tanks Within Street Line".
Gas and oil traps required, §§ 14-112, 26-498.
Gasoline tanks and filling stations within street and sidewalk lines, char., § 1-2210.
Zoning.
Erection on lots 24 and 26. Southville Ward, § 38-141.
Fire protection.
Obstructing prohibited, § 14-209.
Fires in public places.
Prohibited, § 14-104.
Fish.
Sale prohibited, § 15-106.
Fuel oil tanks within street lines.
Permit for installation of underground.
Application, § 30-106.
Effect, § 30-108.
Investigation and recommendations of director of public works, § 30-107.
Issuance, § 30-108.
Removal of unauthorized tanks, § 30-109.
Required, § 30-105.
Removal of unauthorized tanks, § 30-109.
Garbage and trash.
Deposit in streets prohibited, § 17-102.
Glass, nails, etc., prohibited, § 30-118.
Waste in streets and lanes prohibited, § 30-116.
Gas.
Connections.
Authority to make, char., § 1-2225.
Making of underground connections before paving, char., § 1-2216.

STREETS AND SIDEWALKS —Cont'd
- Gasoline.
  - Gasoline tanks and filling stations within street and sidewalk lines, char., § 1-2210.
- Gates.
  - Left open prohibited, § 30-111.
- Glass, nails, etc.
  - Depositing on streets prohibited, § 30-118.
- Grading.
  - Improvements. See within this title, "Improvements."
- Grass plats.
  - Barriers on or about, § 30-128.
- Gutters.
  - Installation of certain gutters prohibited, § 30-115.
- Holes.
  - Excavations. See within this title, "Excavations".
- House numbers, §§ 30-301 to 30-306. See within this title, "Numbering Houses".
- Houses.
  - Moving houses through streets. Permit, § 30-110.
- Improvements.
  - Abutting property owners.
    - Political subdivision, char., § 1-2232.
    - State, char., § 1-2232.
  - Appraisers.
    - Board of, char., § 1-2224.
  - Assessment, char., § 1-2224.
    - Advancements by city for unpaid assessments, char., § 1-2229.
    - Collection, char., §§ 1-2228, 1-2242.
    - Equalizing assessments, char., § 1-2240.
    - Installments due when, char., § 1-2226.
    - Land liable to assessment.
      - Construction of term, char., § 1-2237.
    - Lien for assessment, char., § 1-2241.
    - Ordinance, char., § 1-2239.
    - Suits to set aside, char., § 1-2230.
  - Authority of mayor and aldermen.
    - Generally, char., §§ 1-2213, 1-2217, 1-2238.

STREETS AND SIDEWALKS —Cont'd
- Improvements—Cont'd
  - Bond issues.
    - Generally, char., § 1-2221.
    - Investment of perpetuity funds in bonds, char., § 1-2222.
  - Connections.
    - Making of underground connections before paving, char., § 1-2216.
  - Costs.
    - Abutting property owners to be charged with, char., § 1-2223.
    - Apportionment, char., § 1-2224.
    - Ordinances, rules, etc., to require payment, char., § 1-2225.
    - Payment, char., § 1-2225.
    - Proceedings on executions for pavements, sidewalks or curbings, char., § 1-2215.
  - Engineer.
    - Duties of chief engineer and assistant chief engineer may be performed by director of public works, city engineer or assistant city engineer, char., § 1-2236.
  - Executions.
    - Proceedings, char., § 1-2215.
  - Generally, char., § 1-2238.
  - Notices.
    - Publication, char., § 1-2231.
  - Procedure.
    - Right to proceed under existing laws, char., § 1-2235.
  - Redraining, char., § 1-2233.
  - Renewing pavement.
    - Authority, char., § 1-2214.
  - Repairing pavement.
    - Authority, char., § 1-2214.
  - Repaving, char., § 1-2233.
  - Resolution of council.
    - Declaratory, char., § 1-2219.
    - Ordering work, char., § 1-2220.
    - Petition, char., § 1-2219.
    - Protest, char., § 1-2219.
  - Resurfacing, char., § 1-2234.
  - Under 1885 act, char., §§ 1-2238 to 1-2242.
  - Under 1919 act, char., §§ 1-2217 to 1-2223.

STREETS AND SIDEWALKS —Cont'd
- Improvements—Cont'd
  - Water, gas, etc., connections.
    - Authority to make, char., § 1-2225.
- Intersections.
  - Isolated stop intersections.
    - Enumerated, § 22-401.
    - Exceptions from chapter, § 22-402.
- Lanes.
  - Not to be used as thoroughfares, § 30-112.
- Licenses.
  - Authority to license use of streets and sidewalks generally, char., § 1-2201.
- Liens.
  - Assessments, char., §§ 1-2227 to 1-2241.
- Macadamizing.
  - Improvements. See within this title, "Improvements."
- Male resident.
  - Work required, char., § 1-2204.
- Motor vehicles and traffic.
  - Driving on sidewalks.
    - Generally, § 22-116.
    - Upon emerging from alleys, driveways, etc., § 22-117.
  - Generally, char., §§ 1-1101, 1-1102.
    - See Motor Vehicles and Traffic.
  - Vehicles not to obstruct streets and free passage of persons, § 22-110.
- Moving of houses through streets.
  - Permission, § 30-110.
- New streets.
  - Laying out, § 30-102.
  - Opening, § 30-102.
- Notices.
  - Publication, char., § 1-2231.
- Numbering houses.
  - Block system used, § 30-303.
  - Bull Street.
    - Divide eastern and western sections, § 30-304.
  - Centesimal system used, § 30-303.
  - Location, § 30-305.
  - Mutilation or injuring numbers.
    - Unauthorized, § 30-306.
  - Notice to owners, § 30-302.

STREETS AND SIDEWALKS —Cont'd
- Numbering houses—Cont'd
  - Removal.
    - Unauthorized, § 30-306.
  - Required, § 30-301.
- Obstructions.
  - Prohibited generally, §§ 14-209, 30-122.
  - Removal, § 30-123.
- Oil.
  - Protection of asphalt from oil, etc., § 30-113.
- Oil tanks within street lines. See within this title, "Fuel Oil Tanks Within Street Lines".
- One-way streets.
  - Designated, § 22-130.
  - Vehicles to move only in direction indicated, § 22-131.
    - Exception, § 22-131.
- Ordinances.
  - Improvements, char., §§ 1-2219, 1-2220, 1-2239.
    - Costs.
      - Payment, char., § 1-2225.
- Parapet walls.
  - Banisters or balustrades required, § 30-126.
- Parking meters, §§ 22-201 to 22-215.
  - See Motor Vehicles and Traffic.
- Parking regulations, §§ 22-301 to 22-356.
  - See Motor Vehicles and Traffic.
- Paving.
  - Excavations. See within this title, "Excavations".
  - Improvements. See within this title, "Improvements."
  - Protection of asphalt from oil, etc., § 30-113.
- Paving done by private persons.
  - Plans and specifications.
    - Approval, § 30-104.
    - Submission to director of public improvements, § 30-103.
- Poles and wires.
  - Change of location, § 30-132.
  - Hooks and prongs prohibited near street surface, § 30-131.
  - Removal, § 30-132.
  - Right to charge for erection of poles on streets, char., § 1-2203.
  - Right to erect, § 30-130.
  - Tax, § 30-133.

STREETS AND SIDEWALKS—Cont'd
Prisoners.
Convict labor on public works, § 2-108.
Publication.
Notices, char., § 1-2231.
Public buildings.
Streets may be closed for purpose of erecting municipal buildings, char., § 1-2208.
Railroads.
Crossings.
At Bull Street and Victory Drive, § 30-120.
Bay Street, § 30-121.
Improvements.
Duty of railroads, char., § 1-2218.
Trains not to block streets for more than five minutes, § 30-119.
Regulation of use of streets for business purposes, char., § 1-2202.
Removing or depositing sand, earth, etc., § 30-129.
Sales.
Streets, lanes, etc., to abutting property owners, char., § 1-2207.
Sand.
Removing or depositing.
Prohibited, § 30-129.
Sewers.
Connections.
Authority to make, char., § 1-2225.
Making of underground connections before paving, char., § 1-2216.
Sidewalks.
Abutting owners.
Duty to build, § 30-201.
Repair.
Duty to repair, § 30-202.
Barrels, handcarts, etc.
Use prohibited, § 30-207.
Bicycles.
Riding on, § 22-144.
Buildings.
Duty of lot owner to build, § 30-201.
Concrete sidewalks.
Cut-backs, § 30-420.
Defective.
Liability of property owners, char., § 1-2211.

STREETS AND SIDEWALKS—Cont'd
Sidewalks—Cont'd
Defined, § 2-102.
Excavations. See within this title, "Excavations".
Execution.
Repair by city, § 30-205.
Gasoline tanks and filling stations within street and sidewalk lines, char., § 1-2210.
Grade.
Maintained, § 30-206.
Mixing mortar on pavement.
Prohibited, § 30-114.
Motor vehicles and traffic.
Driving on sidewalk.
Prohibited, § 22-116.
Upon emerging from alley, driveway, etc., § 22-117.
Repair.
By city.
Generally, § 30-204.
Statement of expenses, § 30-205.
Execution therefor, § 30-205.
Duty of lot owners, § 30-202.
Inspection, § 30-203.
Notice to repair defects, § 30-203.
Spitting on.
Prohibited, § 29-108.
Use of areas beneath, char., § 1-2209.
State.
Ownership of abutting property, char., § 1-2232.
Stepping stones.
Prohibited, § 30-127.
Subdivisions.
Dedication, char., § 1-2304; § 31-106.
Width, § 31-107.
Taxation.
Assessment and levy of street or commutation tax, char., § 1-2205.
Authority to tax use of streets and sidewalks generally, char., § 1-2201.
Commutation tax.
Assessment and levy of street or commutation tax, char., § 1-2205.
Generally, char., § 1-2204.

STREETS AND SIDEWALKS—Cont'd
Taxation—Cont'd
False information relative to street tax, § 32-109.
Poles in streets, § 30-133.
Through streets.
Designated, § 22-126.
Duty to stop before entering, § 22-127.
Intersection with each other, § 22-128.
Traffic regulations, §§ 22-101 to 22-422; char., §§ 1-1101, 1-1102.
See Motor Vehicles and Traffic.
Trees and shrubs.
Planting near property line.
Regulated, § 30-135.
Trenches.
Excavations. See within this title, "Excavations".
Use.
Authority to tax and license, char., § 1-2201.
Regulation, char., § 1-2202.
Used for public purpose only, § 30-101.
Victory Drive.
Railroad crossing, § 30-120.
Walls.
Banisters or balustrades required for certain parapet walls, § 30-126.
Waste.
Depositing on streets and lanes prohibited, § 30-116.
Water.
Connections.
Authority to make, char., § 1-2225.
Making of underground connections before paving, char., § 1-2216.
Water closets.
Construction within line of street or lane.
Prohibited, § 30-134.
Work on streets.
Authority to require, char., § 1-2204.

SUBDIVISIONS.
Council.
Approval of map or plan, char., § 1-2301.

SUBDIVISIONS—Cont'd
Health and sanitation.
Approval of plan by director of health department, § 31-105.
Improvements.
Title to, char., § 1-2304.
Lots.
Authority to regulate laying off and sale of lots, char., § 1-2305.
Sale.
Prohibited until map or plan approved and recorded, § 31-103.
Map or plan.
Approval of mayor and aldermen, § 31-101.
Copies.
Deposit of, char., § 1-2302; § 31-102.
Director of health department.
Approval of plan, § 31-105.
Director of public works.
Approval of plan, § 31-105.
Disapproval, char., § 1-2303.
Final plat.
Recordation, § 31-110.
Signing, § 31-110.
Generally, § 31-101.
Lots.
Sale.
Prohibited until map or plan approved and recorded, § 31-103.
Preliminary plat, § 31-109.
Recordation, char., § 1-2302; § 31-102.
Submitted to and approved by mayor and aldermen, char., § 1-2301.
Submitted to mayor and aldermen, § 31-101.
Submitted to metropolitan planning commission, § 31-104.
Planning commission.
Plans submitted to, § 31-104.
Plans. See within this title, "Map or Plan".
Plats. See within this title, "Map or Plan".
Public improvements.
Approval of plan by director of public improvements, § 31-105.
Sewers.
Laying of sewer mains, § 31-108.

SUBDIVISIONS—Cont'd
Sewers—Cont'd
Sewerage service beyond city limits.
Consideration of proposals from more than one subdivision, § 37-506.
Streets and sidewalks.
Dedication, § 31-106; char., § 1-2304.
Width, § 31-107.
Water.
Laying of water mains, § 31-108.

SUMMONS AND PROCESS.
Municipal Court, char., § 1-551.
Service.
When suits may be served by mail, char., § 1-548.
Police court, char., § 1-517.

SUNDAYS AND HOLIDAYS.
Alcoholic beverages.
Sales prohibited on Sunday, § 5-113.
Council.
Meetings of council which fall on holidays, § 3-103.
Motor vehicles and traffic.
Parking of trucks prohibited, § 22-114.
Pawnbrokers.
Operation prohibited, § 25-106.
Peddlers of farm and orchard products.
Sales prohibited, § 15-408.
Poolrooms.
Operation prohibited, § 28-120.

SWIMMING.
Prohibited in certain waters, § 24-139.

SWIMMING POOLS.
Plumbing.
Floor drains, § 26-4104.
Scum gutters, § 26-4105.
Shower, § 26-4103.
Water closets, § 26-4106.

T

TAG DAYS.
Permit, § 24-140.

TALMADGE BRIDGE.
Advertising.
Signs and billboards prohibited in Savannah high level bridge area, § 4-201.

TALMADGE BRIDGE—Cont'd
Smoking.
No smoking on, § 18-212.

TANNING.
Green hides.
Curing and storing.
Regulated, § 24-118.

TAVERNS.
Food establishments, §§ 15-201 to 15-213.
See Food and Food Establishments.

TAXATION.
Airport.
Property is public and not subject to taxes, char., § 1-1221.
Alcoholic beverages, §§ 5-107 to 5-112.
See Alcoholic Beverages.
Appeals.
Board of tax appeals. See within this title, "Board of Tax Appeals".
Assessments.
Generally, char., § 1-2402.
Industrial areas adjacent to city.
Land and improvements, § 32-118.
Notice, char., § 1-2403.
Property ad valorem tax.
Authority to collect when certain services are furnished, char., § 1-2408.
Quarterly collection, char., § 1-2409.
Protest, char., § 1-2404.
Reassessments.
Generally, char., §§ 1-2402, 1-2405.
Levies.
Generally, char., § 1-2405.
In case of unimproved property, char., § 1-2406.
Receipts, char., § 1-2407.
Sales, char., § 1-2407.
Services, char., § 1-2407.
Assessors.
Board of tax assessors. See within this title, "Board of Tax Assessors".

TAXATION—Cont'd
Assessors—Cont'd
Industrial areas adjacent to city.
Land and improvements.
Map provided, § 32-115.
Power of city manager, char., § 1-225.
Banks and trust companies.
Taxes on capital.
Computation, § 32-113.
Levy, § 32-112.
Board of tax appeals.
Appeals.
Assessment changed after August fifteenth, § 32-312.
Contents, § 32-307.
Fee.
Accompanied by fee, § 32-308.
Hearing of appeal.
Day, § 32-310.
Frequency, § 32-310.
Generally, § 32-309.
Time, § 32-310.
Notice, § 32-309.
Right of appeal generally, § 32-306.
Signing required, § 32-307.
Writing required, § 32-307.
Chairman.
Designation, § 32-304.
Compensation, § 32-305.
Composition, § 32-302.
Created, § 32-301.
Records, § 32-311.
Rules and regulations, § 32-311.
Term, § 32-303.
Board of tax assessors.
Appointment, § 32-202.
Bond, § 32-206.
Chairman.
Acting chairman, § 32-204.
Clerk.
Generally, § 32-203.
Composition, § 32-202.
Created, § 32-201.
Digests.
Tax digests, § 32-210.
Duty.
Value and assess real estate and improvements, § 32-207.
Oaths, § 32-205.

TAXATION—Cont'd
Board of tax assessors—Cont'd
Records.
Proceedings, § 32-214.
Returns of personal property.
Failure to make or making false, § 32-209.
Generally, § 32-208.
Right of entry, § 32-213.
Rolls.
Tax rolls, § 32-211.
Valuation.
Objections to, § 32-212.
Books.
Transfer of land on city tax books, char., § 1-2411.
City marshal. See within this title, "Marshal".
Collection.
Deputy marshals for tax collection, § 32-102.
Industrial areas adjacent to city.
Land and improvements, § 32-118.
Council.
General authority of mayor and aldermen, char., § 1-2401.
District authority.
Bond issues.
Tax free, char., § 1-1913.
Executions.
General duties of marshal relative to, § 32-101.
Industrial areas adjacent to city.
Land and improvements in, § 32-117.
Issuance by city treasurer, § 3-709.
Garbage and sewerage charges.
Independent of other taxes, char., § 1-1010.
Industrial areas adjacent to city.
Assessors.
Provided with map, § 32-115.
Compliance with constitutional amendment prerequisite to assessment or collection of tax, § 32-118.
Executions.
Unpaid taxes, § 32-117.
Land and improvements.
Listing on tax books, § 32-114.

TAXATION—Cont'd
Industrial areas adjacent to city —Cont'd
Notice of tax, § 32-116.
Payment of tax, § 32-116.
Licenses.
False information relative to license tax, § 32-110.
Generally.
See Licenses.
Marshal.
Charged with amount of specific taxes, § 32-107.
Deputy marshal for tax collection, § 32-102.
Executions.
General duties of marshal relative to tax execution, § 32-101.
Power of city manager, char., § 1-225.
Poles and wires.
Poles in streets, § 30-133.
Real property.
Authority to require recordation of land transfers and grantee to pay taxes, char., § 1-2410.
Taxes to be paid before recordation of real estate transfers, § 32-108.
Transfer of land on city tax books, char., § 1-2411.
Register. See within this title, "Specific Tax Register".
Right of entry.
Board of tax assessors, § 32-213.
Rules and regulations.
Board of tax appeals, § 32-311.
Sale.
Purchaser at tax sale to be put in possession, § 32-111.
Sinking fund.
Enforcement of taxation, § 3-1307.
Specific tax register.
Approval, § 32-104.
Contents, § 32-103.
Copies.
Disposition, § 32-105.
Marshal charged with amount on, § 32-107.
Preparation, § 32-103.
Supplementation, § 32-106.

TAXATION—Cont'd
Streets and sidewalks.
Assessment and levy of street or commutation tax, char., § 1-2205.
Authority to tax use of streets and sidewalks generally, char., § 1-2201.
Commutation tax.
Assessment and levy of street or commutation tax, char., § 1-2205.
Commutation tax generally, char., § 1-2204.
False information relative to street tax, § 32-109.
Poles in streets, § 30-133.

TAXICABS AND OTHER VEHICLES FOR HIRE.
Actions.
Insurance.
Right of action, § 33-306.
Busses.
Certain busses not to use streets for discharge of passengers or baggage, § 33-101.
Cruising.
Prohibited, § 33-208.
Driver of taxicabs.
Badge, § 33-205.
Cap, § 33-205.
Leaving vehicle while waiting to be hired.
Prohibited, § 33-206.
Driver's permit.
Applicant.
Examination, § 33-406.
Furnishing references, § 33-404.
Photograph, § 33-405.
Qualifications, § 33-403.
References.
Examination, § 33-406.
Application, § 33-402.
Carried at all times, § 33-407.
Denial, § 33-406.
Issuance, § 33-406.
Required, § 33-401.
Revocation, § 33-409.
Driving after, § 33-410.
Suspension, § 33-408.
Driving after, § 33-410.

TAXICABS AND OTHER VEHICLES FOR HIRE—Cont'd
Fares.
Regulation of fares charged by for-hire vehicles, char., § 1-134.
Identification of taxicabs.
Lights, § 33-203.
Marking.
Generally, § 33-201.
Numbers.
Generally, § 33-202.
Registration, § 33-204.
Insurance.
Action.
Right of action, § 33-306.
Amount, § 33-301.
Blanket policy, § 33-302.
Conditions, § 33-303.
Expiration, § 33-304.
Renewal, § 33-304.
Required, § 33-301.
Term, § 33-304.
Void.
Notice when, § 33-305.
Leasing taxicabs, § 33-213.
Motor vehicles.
Generally.
See Motor Vehicles and Traffic.
Obscenity and immorality.
Transportation of women for immoral purposes.
Prohibited, § 24-144.
Operators of taxicabs.
Registration, § 33-204.
Owners of taxicabs.
Registration, § 33-204.
Passengers.
Carrying more than one-fare passengers.
Prohibited, § 33-209.
Soliciting.
Prohibited, § 33-207.
Permit.
Driver's permit. See within this title, "Driver's Permit".
Rates of taxicabs.
Schedule to be posted, § 33-210.
Registration of taxicabs.
Names of owners and operators, § 33-204.
Numbers, § 33-204.
Renting taxicabs, § 33-213.

TAXICABS AND OTHER VEHICLES FOR HIRE—Cont'd
Soliciting passengers.
Prohibited, § 33-207.
Speed governor.
Approval, § 33-103.
Enacted under police power, § 33-106.
Inspection.
Certificate of inspection, § 33-105.
Required, § 33-102.
Seal, § 33-104.
Stands for taxicabs.
Generally, § 33-211.
Telephones, § 33-212.
Traffic expert.
Powers and duties, char., § 1-1101.

TEACHERS.
Pensions.
Administration, char., §§ 1-615, 1-616.

TELEPHONE.
Improper use, § 24-141.

TENEMENT HOUSES.
Defined, § 37-214.

THEATRES AND SHOWS.
Closing to prevent spread of disease, § 29-113.
Licenses.
Petition for, § 28-113.
Moving pictures.
See Moving Pictures.
Permits.
Miscellaneous entertainments, § 28-112.

TIMBER AND LUMBER.
Inspectors.
Disclosures to be made to purchasers of timber, char., § 1-135.
Records of, char., § 1-135.

TIME.
Computation, § 2-102.

TOURIST CAMPS, ROADHOUSES AND SIMILAR PLACES.
Cessation of business.
Notice, § 34-112.

TOURIST CAMPS, ROADHOUSES AND SIMILAR PLACES—Cont'd
Employees.
List of, § 34-108.
Exemptions from title, § 34-114.
Fire protection.
Bulletin to be posted, § 14-125.
Report of fires, § 14-126.
Setting fire to bedding, furniture, § 14-124.
Injunctions.
Violation of chapter, § 34-113.
Inspection, § 34-107.
Licenses.
Application.
Generally, § 34-102.
Verification, § 34-103.
Denial, § 34-103.
Expiration, § 34-105.
Fee, § 34-104.
Issuance, § 34-103.
Required, § 34-101.
Revocation, § 34-106.
Notice.
Cessation of business or change of ownership, § 34-112.
Obscenity and immorality.
Enticing females to enter premises for immoral purposes, § 34-111.
False registration as husband and wife, § 34-110.
Occupancy of rooms for immoral purposes, § 34-110.
Ownership.
Change in, § 34-112.
Prostitution.
Enticing females to enter premises for immoral purposes, § 34-111.
Occupancy of rooms for immoral purposes, § 34-110.
Registration.
False registration as husband and wife, § 34-110.
Guests generally, § 34-109.
Trailer lots, camps and parks, §§ 35-101 to 35-114.
See Trailer Lots, Camps and Parks.

TOWN COMMON.
Boundaries, char., § 1-109.
Generally, char., § 1-109.

TOWN COMMON—Cont'd
Lots.
Sale of certain lots confirmed, char., § 1-110.
Sales.
Confirmation of sale of certain lots, char., § 1-110.

TRADERS.
Transient traders, §§ 36-101 to 36-208.
See Transient Traders.

TRADE STIMULATING OR MECHANICAL GAME DEVICES.
Coin-operated machines.
Prohibited, § 28-106.
Exceptions, § 28-106.
Gambling.
Prohibited, § 28-103.
Generally, § 28-101.
License.
Forfeiture, 28-104.
Location, § 28-102.
Minors not to operate, § 28-101.
Notice as to, § 28-103.
Placarding, § 28-103.

TRAFFIC, §§ 22-101 to 22-422; char., §§ 1-1101, 1-1102.
See Motor Vehicles and Traffic.

TRAILER LOTS, CAMPS AND PARKS.
Camp sites, § 35-108.
Communicable and infectious diseases.
Report of, § 35-114.
Drains, § 35-111.
Drinking vessels, § 35-109.
Enlargements, alterations, etc.
Issuance.
Conditions, § 35-106.
Required, § 35-105.
Garbage and trash.
Disposition of garbage and rubbish, § 35-113.
Location.
Approval required, § 35-107.
Permits.
Generally, § 35-101.
Issuance.
Inspection prerequisite, § 35-102.
Nontransferable, § 35-103.
Required, § 35-101.
Revocation, § 35-104.

TRAILER LOTS, CAMPS AND PARKS—Cont'd
Plumbing.
Requirements, § 35-111.
Refrigerator.
Receptacles for, § 35-111.
Sinks.
Slop sinks, § 35-112.
Toilets.
Generally, § 35-110.
Use of trailer toilets, § 35-111.
Water.
Supply, § 35-109.
Water closets, § 35-110.

TRANSIENT TRADERS.
Defined, § 36-101.
Exemption from title, § 36-102.
Licenses.
Application.
False statements in, § 36-204.
Generally, § 36-202.
In case of special sales, § 36-203.
Effect, § 36-207.
Fees, § 36-205.
Records.
Keeping, § 36-208.
Required, § 36-201.
Sealing, § 36-206.
Signing, § 36-206.
Peddlers of farm and orchard products, §§ 15-401 to 15-409.
See Peddlers of Farm and Orchard Products.

TRASH, §§ 17-101 to 17-113.
See Garbage and Trash.

TRAVIS FIELD, SAVANNAH MUNICIPAL AIRPORT.
Airport zoning, §§ 38-301 to 38-316.
See Zoning.

TREADMILLS, char., § 1-141.

TREASURER.
Accounts.
Annual balance sheet or statement, § 3-714.
Duty to account for receipts and expenditures, § 3-712.
Inspection of books, § 3-711.
Keeping books, § 3-710.

TREASURER—Cont'd
Accounts—Cont'd
Receipt and payment of accounts by council, § 3-706.
Return to director of finance.
Daily, § 3-713.
Safekeeping and deposit of funds, § 3-707.
Accounts passed by council.
Receipt and payment, § 3-706.
Acting treasurer, § 3-705.
Appointment, § 3-702.
Balance sheet or statement.
Annual, § 3-714.
Bond issues.
Coupons.
Duties relative to, § 3-708.
Duties relative to, § 3-708.
Bonds, § 3-703.
Clerks, § 3-704.
Books.
Inspection, § 3-711.
Keeping, § 3-710.
Checks or vouchers.
Signatures, § 3-109.
City manager.
Power of city manager, char., § 1-225.
Council.
Receipt and payment of accounts passed by council, § 3-706.
Daily return to director of finance, § 3-713.
Deposit of funds, § 3-707.
Executions.
Issuance, § 3-709.
Expenditures.
Duty to account for, § 3-712.
Unauthorized, § 3-715.
Garbage and sewerage charges, char., §§ 1-1001 to 1-1010.
See Garbage and Trash.
Investments.
Garbage and sewerage charges, char., § 1-1009.
Office created, § 3-701.
Receipts.
Duty to account for, § 3-712.
Returns.
Daily return to director of finance, § 3-713.
Safekeeping of funds, § 3-707.
Sewers.
Charges, char., §§ 1-1001 to 1-1010.
See Sewers.

TREASURER—Cont'd
Sinking fund.
Receipt of funds from treasurer, § 3-1308.
Term, § 3-702.

TREES AND SHRUBS.
Advertising.
Banners, placards, etc., not to be attached to, § 4-104.
Cemeteries.
Cutting of grass and weeds, § 10-142.
Detrimental trees, plants, etc. Removal, § 10-141.
Hedges.
Planting of hedges or other borders regulated, § 10-139.
Lot owners.
Right to cultivate, § 10-138.
Planting of trees, plants, etc., § 10-137.
Removal of plants or flowers generally, § 10-140.
Commission.
Park and tree commission, char., §§ 1-1304 to 1-1320.
See Parks and Recreation.
Cutting, injuring, etc.
Prohibited, § 24-145.
Streets and sidewalks.
Planting near property line. Regulated, § 30-135.

TRESPASS.
Cemeteries.
Grassplats, § 10-150.
Lots, § 10-151.

U

UNDERTAKING ESTABLISHMENTS.
See Funeral Homes.

UNITED STATES.
Advertising.
Exception as to permit for vehicles used by the federal government in defense effort, § 4-101.

V

VACCINATION.
Compulsory, § 29-114.
Penalty of failure, § 29-114.

VEGETABLES.
Peddlers of farm and orchard products, §§ 15-401 to 15-409.
See Peddlers of Farm and Orchard Products.
Vegetable growth.
Cutting and removal, §§ 10-142, 29-106, 29-107; char., § 1-1705.
See Weeds.
Wholesalers of perishables, §§ 15-501 to 15-508.
See Wholesalers of Perishables.

VEHICLES AND TRAFFIC, §§ 1-1101, 1-1102.
See Motor Vehicles and Traffic.

VENEREAL DISEASES.
Physicians and surgeons.
Only physician to treat, § 29-123.
Prisons and prisoners.
Indeterminate confinement of diseased persons, char., § 1-527.

VESSELS.
See Harbor and Port of Savannah.

VICTORY DRIVE.
Advertising.
Prohibited on portion of, § 4-202.
Exception, § 4-202.

VOTING MACHINES, char., §§ 1-703 to 1-712.
See Elections.

W

WAGES.
Contracts and purchases.
Contract provisions relative to labor, wages, etc., § 11-102.
Determination of wage rates, § 11-101.

WAIVER.
Water.
Right to issue execution for water rent, § 37-237.

WALLS.
Party walls, char., §§ 1-1401 to 1-1404.
See Buildings.

WARRANTS.
Distress warrants.
Authority to issue.
City Court, char., § 1-598.
Municipal Court, char., § 1-552.
Peace and good behavior warrants.
Jurisdiction.
Municipal Court, char., § 1-533.
Police court.
Execution, char., § 1-519.
Issuance, char., § 1-519.

WASTE.
Food and food products, § 15-108.
Plumbing.
Discharge of acid liquid wastes, § 26-4102.
Streets and sidewalks.
Depositing on streets and lanes prohibited, § 30-116.

WATER.
Apartment.
Defined, § 37-212.
Meter size for, § 37-215.
Aqueduct.
Authority to construct, char., § 1-2502.
Basins.
Unlawful in city limits, § 37-104.
Boards and commissions.
Industrial and domestic water supply commission. See within this title, "Industrial and domestic water supply commission."
Bonaventure.
Charges to consumers in, char., § 1-2506.
Cemeteries.
Charges to consumers in Bonaventure and Laurel Grove cemeteries, char., § 1-2506.
Deposit and expenditure of water rent, etc., § 10-159.
Delinquent accounts, § 10-158.
Charges.
Cemeteries.
Consumers in Bonaventure and Laurel Grove cemeteries, char., § 1-2506.
Execution for water charges, char., § 1-2508.
Facilities of industrial and domestic water supply system.
Payment of, § 37-236.
Meters.
Generally. See within this title, "Meters".
Rates, § 37-221.
Fixed by council, char., § 1-2501.
Reduced charges for large consumers, char., § 1-2504.
Service cut off for fault of user, § 37-230.
Sprinkler systems exempt from fire protection charges, § 37-308.
Waiver of right to issue execution for water rent, § 37-237.
When meter fails to register, § 37-222.
Chatham County.
Right to extend facilities and services in Chatham County, char., § 1-2505.
City attorney.
Legal services for industrial and domestic water supply commission, char., § 1-2516.
Commercial establishments.
Meters for, § 37-213.
Commissions.
Industrial and domestic water supply commission. See within this title, "Industrial and domestic water supply commission."
Connections.
Authority relative to lead connections, char., § 1-2503.
Cross connections.
Generally, § 37-232.
Fire protection service, § 37-302.
Laying pipe and making connections, § 37-203.
Registration.
Connections with private mains, § 37-234.
Connections with reservoirs, tanks, etc., § 37-233.

WATER—Cont'd
Contracts.
Industrial and domestic water supply commission.
Generally, char., § 1-2517.
With mayor and aldermen, char., § 1-2518.
Council.
Contracts.
Industrial and domestic water supply commission, char., § 1-2518.
Provide for operation of system, fix rates, etc., char., § 1-2501.
Curb cocks.
Control of interference with, § 37-224.
Deposit before service turned on.
Exceptions, § 37-205.
Interest.
To bear no interest, § 37-207.
Investment, § 37-208.
Receipt, § 37-206.
Refund, § 37-209.
Required, § 37-205.
Separate account, § 37-207.
Use permitted, § 37-207.
Engineers.
Industrial and domestic water supply commission.
Employment, char., § 1-2515.
Executions.
Waiver of right to issue execution for water rent, § 37-237.
Water charges, char., § 1-2508.
Facilities.
Right to extend, char., § 1-2505.
Fees.
Restoration of water service, § 37-225.
Fire protection.
Abuse of privileges, § 37-309.
Apparatus.
Testing, § 37-306.
Application for service, § 37-301.
Authorization of installation of facilities, § 37-301.
Connections.
Expenses of, § 37-302.
Who may make, § 37-302.
Drain valves.
Closed and sealed, § 37-305.

WATER—Cont'd
Fire protection—Cont'd
Inspection.
Service, § 37-304.
Installation.
Report, § 37-303.
Notice when seal broken, § 37-307.
Repairs.
Expenses, § 37-302.
Sprinkler systems.
Exempt from charges, § 37-308.
Flats.
Defined, § 37-214.
Funds.
Disposition of funds derived from water system, § 37-101.
Heaters.
Generally, §§ 26-428 to 26-430.
See Plumbing.
Identification.
Inspectors, meter readers, etc., § 37-228.
Industrial and domestic water supply commission.
Composition, char., § 1-2510.
Contracts.
Generally, char., § 1-2517.
With mayor and aldermen, char., § 1-2518.
Created, char., § 1-2509.
Duties.
Generally, char., § 1-2513.
Employees.
Authority relative to, char., § 1-2514.
Engineer.
Employment, char., § 1-2515.
Expenses of, § 37-235.
Legal services, char., § 1-2516.
Purpose, char., § 1-2509.
Qualifications, char., § 1-2511.
Secretary.
Employment, char., § 1-2515.
Terms, char., § 1-2510.
Vacancies, char., § 1-2512.
Inspectors.
Identification, § 37-228.
Interfering with or damaging pipes, mains, etc., § 37-229.
Liens.
Charges for repair of plumbing which causes water waste, char., § 1-2507.

WATER—Cont'd
Mains.
Damaging, § 37-229.
Registration of connections, § 37-234.
Meters.
Accuracy, § 37-219.
Charges when meter fails to register, § 37-222.
Control of, § 37-224.
Failing to register.
Charges, § 37-222.
Inaccessible.
Procedure when, § 37-223.
Installation, § 37-211.
By private persons, § 37-216.
Interference with, § 37-224.
Location, § 37-217.
Maintaining.
Expense of, § 37-220.
Office buildings.
Size for, § 37-215.
Rates, § 37-221.
Readers.
Identification, § 37-228.
Repairing.
Expense of, § 37-220.
Shopping centers, stores and commercial establishments, § 37-213.
Tested, § 37-218.
Office buildings.
Meter size for, § 37-215.
Permits.
Alterations, etc., after service started, § 37-226.
Pipes.
Damaging, § 37-229.
Laying, § 37-203.
Authority to lay, char., § 1-2502.
Lead connections.
Authority relative to, char., § 1-2503.
Plumbing.
Generally.
See Plumbing.
Repair of plumbing which causes water waste, char., § 1-2507.
Required, § 26-406.
Pollution, § 37-231.
Ponds.
Unlawful in city limits, § 37-104.

WATER—Cont'd
Rates. See within this title, "Charges".
Rent. See within this title, "Charges".
Reservoirs, tanks, etc.
Connections.
Registration, § 37-233
Right of entry.
Premises supplied with water, § 37-227.
Service.
Alterations.
Permit for alterations after service started, § 37-226.
Application for.
Generally, § 37-201.
Report, § 37-202.
Deposit. See within this title, "Deposit Before Service Turned On".
Duty to provide service in all parts of city, char., § 1-2504.
Fire protection. See within this title, "Fire Protection".
Shutting off, § 37-204.
Charge when service cut off for fault of user, § 37-230.
Failure to pay bill, § 37-225.
Fee for cutting water back on, § 37-225.
Turning on, § 37-204.
Deposit. See within this title, "Deposit Before Service Turned On".
Effect of, § 37-210.
Fee for cutting water back on, § 37-225.
Sewers.
Generally.
See Sewers.
Proximity of water pipes and sewers, § 26-433.
Shopping centers.
Meters for, § 37-213.
Shutting off water. See within this title, "Service".
Streets and sidewalks.
Connections.
Authority to make, char., § 1-2225.
Making of underground connections before paving, char., § 1-2216.
Subdivisions.
Laying of water mains, § 31-108.

WATER—Cont'd
Superintendent of waterworks.
Power of city manager, char., § 1-225.
Tenement houses.
Defined, § 37-214.
Trailer lots, camps and parks.
Supply, § 35-109.
Turning on service.
Deposit. See within this title, "Deposit Before Service Turned On".
Generally. See within this title, "Service".
Waiver.
Right to issue execution for water rent, § 37-237.
Waste.
Repair of plumbing which causes water waste, char., § 1-2507.
Wells, §§ 37-401 to 37-408.
See Wells.

WATER CLOSETS.
Housing.
Removal of outside water toilets, § 19-138.
Repair of floors and walls around, § 19-136.
Required, § 19-130.
Meat and meat products.
Meat establishments, § 15-309.
Plumbing.
Bowls and traps to be made in one piece, § 26-445.
Flushing apparatus for water closets and urinals, § 26-422.
Required, § 26-409.
Size of pipes conveying water to, § 26-410.
Style of water closet seats, § 26-447.
Swimming pools, § 26-4106.
Sewers.
Obstructing, § 37-106.
Streets and sidewalks.
Construction within line of street or lane.
Prohibited, § 30-134.
Trailer lots, camps and parks, § 35-110.

WEAPONS.
Cemeteries.
Discharge of firearms.
Unlawful, § 10-152.

WEAPONS—Cont'd
Firearms.
Destruction when seized, § 24-109.
Pawnbrokers.
Approval may be required for sale of firearms and ammunition, § 25-119.
Sale, § 24-105.
Purchaser.
False information by, § 24-107.
Purchaser must have permit or license, § 24-106.
Record, § 24-105.
Report, § 24-105.
Seller.
False information by, § 24-108.
Pawnbrokers.
Approval may be required for sale of firearms and ammunition, § 25-119.
Slingshots.
Use prohibited, § 24-137.

WEEDS.
Cemeteries.
Cutting, § 10-142.
Cutting and removal, char., § 1-1705.
By city, § 29-107.
Charges, char., § 1-1705.
Lien, char., § 1-1705.
Enforcement, char., § 1-1705.
Notice required, § 29-106; char., § 1-1705.
Required of owner, char., § 1-1705.
Execution.
Enforcement, char., § 1-1705.
Garbage and trash, §§ 17-101 to 17-113.
See Garbage and Trash.
Lien.
Charges for cutting and removal by city, char., § 1-1705.
Notice to cut or remove, § 29-106.
Removal.
By city, § 29-107.
Notice to, § 29-106.

WELLS.
Abandonment, § 37-408.
Casing.
Diameter exceeds ten inches, § 37-405.

WELLS—Cont'd
Casing—Cont'd
Eight-inch and smaller wells, § 37-406.
Condemnation, § 37-407.
Drilling.
Inspection of drilling operations, § 37-404.
Permit.
Application, § 37-402.
Required, § 37-401.
Health and sanitation.
Dry wells, char., § 1-1704.
Surface wells.
Use of, § 37-403.
Tests of water, § 37-407.

WHARVES.
Generally.
See Harbor and Port of Savannah.

WHOLESALERS OF PERISHABLES.
Definitions, § 15-501.
Examination and condemnation of unwholesome or adulterated food or drink, § 15-508.
Licenses.
Application, § 15-503.
Contents, § 15-504.
Display, § 15-506.
Fee, § 15-504.
Issuance, § 15-504.
Required, § 15-502.
Revocation, § 15-507.
Term, § 15-505.
Unwholesome or adulterated food or drink.
Examination and condemnation, § 15-508.

WIRES.
See Poles and Wires.

WITNESSES.
Fire marshal.
Power to subpoena witnesses, char., § 1-126.
Police court.
Subpoenas, char., § 1-517.

WORK HOUSES, char., § 1-141.

WRITTEN.
Defined, § 2-102.

Y

YEAR.
Defined, § 2-102.
Fiscal year, § 2-110.

Z

ZONING.
Airfield zoning.
Administrative agency, § 38-210.
Airport zoning. See within this title, "Airport Zoning".
Appeals.
Generally, § 38-214.
Board of adjustment.
Composition, § 38-212.
Created, § 38-211.
Duties, § 38-211.
Powers.
Generally, § 38-211.
Conflicting regulations, § 38-217.
Definitions, § 38-202.
Flight hazard.
Defined, § 38-202.
Hazard marking, § 38-209.
Height limits, § 38-204.
Judicial review, § 38-215.
Landing area.
Defined, § 38-202.
Lighting.
Hazard lighting, § 38-209.
Meetings, § 38-213.
Minutes, § 38-213.
Nonconforming uses, § 38-206.
Defined, § 38-202.
Penalties, § 38-216.
Permits, § 38-208.
Rules, § 38-213.
Short title, § 38-201.
Structure.
Defined, § 38-202.
Use restrictions, § 38-205.
Variances, § 38-207.
Zones.
Generally, § 38-203.
Airport zoning.
Administrative agency, § 38-310.
Airfield zoning. See within this title, "Airfield Zoning".
Airport hazard.
Defined, § 38-302.
Appeals.
Generally, § 38-314.

ZONING—Cont'd
Airport zoning—Cont'd
Board of adjustment.
Composition, § 38-312.
Created, § 38-311.
Duties, § 38-311.
Generally, § 38-311.
Meetings, § 38-313.
Minutes, § 38-313.
Powers, § 38-311.
Rules, § 38-313.
Definitions, § 38-302.
Hazard marking, § 38-309.
Height limits, § 38-304.
Judicial review, § 38-315.
Landing area.
Defined, § 38-302.
Lighting.
Hazard marking, § 38-309.
Nonconforming uses, § 38-306.
Defined, § 38-302.
Penalties, § 38-316.
Permits, § 38-308.
Short title, § 38-301.
Structure.
Defined, § 38-302.
Tree.
Defined, § 38-302.
Use restrictions, § 38-305.
Variances, § 38-307.
Zones.
Generally, § 38-303.
Amendment.
Authority, char., § 1-1602.
Zoning ordinance.
Approval of property owner required, char., § 1-1603.
Exception, char., § 1-1603.
Apartment.
Duplex apartment.
Defined, § 38-101.
Garage apartment.
Defined, § 38-101.
Location permitted, § 38-155.
Appeals.
Airfield zoning, § 38-214.
Airport zoning, § 38-314.
Areas.
Area "A", § 38-103.
Area "AA", § 38-129.
Area "B", § 38-104.
Area "BB", § 38-130.
Area "C", § 38-105.
Area "D", § 38-106.
Area "E", § 38-107.
Area "F", § 38-108.
Area "G", § 38-109.

ZONING—Cont'd
Areas—Cont'd
Area "H", § 38-110.
Area "I", § 38-111.
Area "J", § 38-112.
Area "K", § 38-113.
Area "L", § 38-114.
Area "M", § 38-115.
Area "N", § 38-116.
Area "O", § 38-117.
Area "P", § 38-118.
Area "Q", § 38-119.
Area "R", § 38-120.
Area "S", § 38-121.
Area "T", § 38-122.
Area "U", § 38-123.
Area "V", § 38-124.
Area "W", § 38-125.
Area "X", § 38-126.
Area "Y", § 38-127.
Area "Z", § 38-128.
Established, § 38-102.
Authority to enact, alter, etc., zoning and planning laws, char., § 1-1602.
Bull Street.
Exceptions of lot, § 38-140.
Bungalow.
Construction lot 54, Hull Ward, § 38-136.
Prohibiting construction on certain streets, § 38-151.
Canty Ward.
Lots 109, 110 and 111.
Relieving lots from building restriction, § 38-146.
Chatham County.
Metropolitan planning district.
Established, char., § 1-1601.
Colonial Park, § 38-132.
Commissions.
Planning commission, char., §§ 1-1606 to 1-1619. See within this title, "Planning commission."
Contracts.
Between bodies participating in plan, char., § 1-1604.
Definitions, § 38-101.
Districts.
Areas. See within this title, "Areas".
Metropolitan planning district.
Established, char., § 1-1601.
Effect of chapter on other laws, char., § 1-1605.
Fairfield Subdivision, § 38-131.

ZONING—Cont'd
Filling stations.
Erection on lots 24 and 26, Southville Ward, § 38-141.
Forsyth Park and Park Extension.
Lots fronting on.
Restrictions, § 38-139.
Fortieth Street and Victory Drive, Habersham Street and East Broad Street, area between.
Created, § 38-134.
Restrictions, § 38-134.
Fruit stands.
Operation prohibited in certain areas, § 38-142.
Funeral homes.
Operation prohibited in certain areas, § 38-142.
Garages.
Public garages.
Operation prohibited in certain areas, § 38-142.
Garrard Ward.
Lot 61.
Relieving from building restrictions, § 38-154.
Lot 62.
Relieving from building restrictions, § 38-153.
Gasoline and oil filling station.
Erection on lots 24 and 26.
Southville Ward, § 38-141.
Gaston Street from Drayton Street to eastern side of Lincoln Street, etc.
Restrictions on lots fronting, § 38-147.
Gill Ward.
Lot 49.
Construction of two-car garage, § 38-158.
Grocery stores.
Size of grocery or green grocery stores within certain area of city, § 38-156.
Harden Ward.
Lots 1, 2 and 3, Block "B".
Restrictions removed, § 38-149.
Henry Street.
Lots fronting.
Restrictions on, § 38-135.
Hull Ward.
Lot 54.
Construction of bungalow, § 38-136.

ZONING—Cont'd
Hunter Air Force Base. See within this title, "Airfield Zoning".
McKenna Ward.
Lots 2, 3 and 4.
Relieving from building restrictions, § 38-148.
Lot 183.
Relieved from building restrictions, § 38-145.
Master plan.
Adoption by county, city or other municipality, char., § 1-1624.
Adoption by planning commission.
Effect, char., § 1-1623.
Hearing prerequisite, char., § 1-1621.
Method, char., § 1-1622.
Amendment.
Act within forty days, char., § 1-1627.
Adoption, char., § 1-1628.
Commission.
Act within forty days, char., § 1-1627.
Effect of commission's recommendation, char., § 1-1628.
Must be referred to, char., § 1-1626.
Referred to commission, char., § 1-1626.
Availability to other counties and municipalities, char., § 1-1629.
Contracts between bodies participating in plan, char., § 1-1604.
County.
Adoption, char., § 1-1624.
Enforcement, char., § 1-1625.
Preparation, char., § 1-1620.
Monterey Square and Jasper Square.
Lots fronting on.
Restrictions on, § 38-139.
Ordinances.
Authority to enact, alter, etc., zoning and planning laws, char., § 1-1602.
Paulsen Street from Fifty-First Street Lane to Fifty-Ninth Street.
Set-back requirements on east side, § 38-143.

ZONING—Cont'd
Penalties.
Airfield zoning, § 38-216.
Airport zoning, § 38-316.
Planning commission.
Appointment.
By county commissioners, char., § 1-1608.
By mayor and aldermen, char., § 1-1609.
Reappointment of members, char., § 1-1610.
Books of account, char., § 1-1618.
Budget, char., § 1-1617.
Compensation, char., § 1-1614.
Composition, char., § 1-1607.
Contracts.
Contracts between bodies participating in plan, char., § 1-1604.
Services, char., § 1-1616.
Delegation of rights exercised by other boards and commissions, char., § 1-1615.
District authority.
Termination of term, char., § 1-1611.
Employment of personnel and contracts for services, char., § 1-1616.
Established, char., § 1-1606.
Funds, char., § 1-1617.
Master plan, char., §§ 1-1620 to 1-1629. See within this title, "Master plan."
Minutes, char., § 1-1618.
Motor vehicles.
Duties of planning commission relative to traffic, § 22-102.
Officers, char., § 1-1613.
Officers and employees.
Not eligible for membership, char., § 1-1610.
Official title, char., § 1-1606.
Reports.
Annual, char., § 1-1619.
Resident requirement, char., § 1-1607.
Rules and regulations.
Adoption, char., § 1-1613.
Term.
District authority.
Termination, char., § 1-1611.
Termination, char., § 1-1611.
Vacancies, char., § 1-1612.

ZONING—Cont'd
Planning district.
Metropolitan planning district.
Established, char., § 1-1601.
Plans.
Master plan. See within this title, "Master plan."
Poolrooms.
Operation prohibited in certain areas, § 38-142.
Repeal.
Approval of property owner required, char., § 1-1603.
Exception, char., § 1-1603.
Authority, char., § 1-1602.
Rourk Ward.
Lots 183 to 186.
Removal of restrictions for commercial purposes, § 38-157.
Schley Ward.
Lots 66 and 97.
Woodyards.
Operation, § 38-138.
Schroder Ward.
Lots 23 to 25.
Relieving from building restrictions, § 38-150.
Lots 67 to 69 and western 5.6 feet of lot 70.
Relieving from building restrictions, § 38-152.
Southville Ward.
Lots 24 and 26.
Gasoline and oil filling stations.
Erection of, § 38-141.
Stiles Avenue from Gwinnett Street to Blum Avenue.
Set-back requirements, § 38-144.
Travis Field, Savannah Municipal Airport.
Airport zoning. See within this title, "Airport Zoning".
Victory Drive.
Exceptions of lot, § 38-140.
Woodmere Estates.
Blocks, A, B, C and D, § 38-133.
Woodyards.
Lots 66 and 97.
Schley Ward, § 38-138.
Wright Ward.
Lot 59.
Construction of dwelling house, § 38-137.
Zones. See within this title, "Areas".