

## Chapter 1 GENERAL PROVISIONS<sup>1</sup>

### Sec. 1-1. Designation and citation of Code.

The provisions embraced in the following chapters and sections shall constitute and be designated "The Code of Ordinances of the City of Cleveland, Georgia," and may be so cited. This Code may also be referred to by the shortened form "Cleveland Code."

State law reference(s)—Authority to adopt ordinances for regulation of matters for which no provision has been made by general law, O.C.G.A. § 36-1-20; duty to codify ordinances, O.C.G.A. § 36-80-19.

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

As used in this Code, the following terms and phrases shall have the meanings indicated unless otherwise specifically provided, and the following rules of construction shall be applied:

*Applicability.* In the construction of this Code and of all ordinances, the rules of construction included in this section shall be observed, unless such construction is inconsistent with the manifest intent of the city council. The rules of construction and definitions set out in this section shall not be applied to any section of this Code which contain any express provisions excluding such construction or where the subject matter or context of the section may be repugnant thereto.

*As soon as possible.* The term "as soon as possible" means within a reasonable time, having due regard to all the circumstances.

*Chief executive officer.* The term "chief executive officer" means the city or, if there is no duly appointed and acting city manager, the mayor of the city.

*City.* The terms "the city" or "this city" means Cleveland, Georgia.

*City council.* The term "city council" means the governing authority of Cleveland, Georgia.

*Code.* The term "Code" refers to The Code of Ordinances of the City of Cleveland, Georgia, also referred to as the "Cleveland Code."

*Computation of time.* When a specified number of days is provided for the exercise of a right or the performance of a duty, the time period shall be calculated by counting the first and last day. If the last day falls on a Saturday, Sunday, or legal holiday recognized by state law, the deadline shall extend to the next business day. If the

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<sup>1</sup>State law reference(s)—Municipal Home Rule Act, O.C.G.A. § 36-35-1 et seq.; home rule for municipalities, O.C.G.A. § 36-35-3; limitations on home rule for municipalities, O.C.G.A. § 36-35-6; authority to adopt ordinances for regulation of matters for which no provision has been made by general law, O.C.G.A. § 36-1-20; duty to codify ordinances, O.C.G.A. § 36-80-19; inspection of public records, O.C.G.A. § 50-18-70 et seq.; requirements for publication of code, O.C.G.A. § 36-80-19; maximum penalties that may be imposed by municipalities, O.C.G.A. §§ 36-32-1, 36-32-5, 36-35-6; additional penalties and bond in certain criminal and traffic cases, O.C.G.A. § 15-21-73; authority to impose community service as punishment, O.C.G.A. § 17-10-1; alternative sentences by municipal courts, O.C.G.A. § 36-32-5; municipal corporation defined, O.C.G.A. § 36-30-1.

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*prescribed time period is less than seven days, Saturdays, Sundays and legal holidays occurring between the first and last day shall not be counted.*

*Conjunctions.* Where a provision involves two or more items, conditions, provisions, or events connected by any of the conjunctions "and," "or," "either ... or," or "neither ... nor," the conjunction shall be interpreted as follows, provided that in appropriate cases the terms "and" and "or" are interchangeable:

- (1) The term "and" indicates that all the connected items, conditions, provisions or events shall apply.
- (2) The term "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- (3) The terms "either ... or" and "neither ... nor" indicate that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

*County.* The term "county" means White County, Georgia.

*Court.* The term "court" means the city court.

*Delegation of authority.* Whenever a provision appears requiring the head of a department or other officer of the city to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to the required act or perform the required duty unless the terms of the provision designate otherwise.

*Department; city council; agency.* The name or title of any department, city council, or agency, unless otherwise specifically stated otherwise, shall be read as though the term "of the City of Cleveland, Georgia" were added thereto.

***Fee Schedule or Schedule of Fees and Charges.*** The terms "fee schedule" and "schedule of fees and charges" mean the official schedule adopted by the mayor and council, as amended from time to time, establishing rates for utilities and other public services, fees, deposits, and related charges imposed by the city. A current copy of the adopted fee schedule shall be maintained by the city clerk and available on the city website.

***Fiscal Year.*** The term "fiscal year" means the twelve-month budget and accounting period beginning July 1 and ending June 30 of the following year.

***Gender.*** Words importing one gender shall include the other gender. References to a person or individual may include a natural person, corporation, partnership, limited liability company, firm, association, organization, trust, or other legal entity, unless the context clearly indicates otherwise.

***Governing authority, governing body.*** The term "governing authority" or "governing body" means the city council of Cleveland, Georgia.

***Incorporated limits or incorporated areas of the city.*** The term "incorporated limits" or "incorporated areas of the city" means all areas of the city that are not situated within the territorial limits of any other incorporated town or city.

***Interpretation.*** In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirement adopted for the promotion of public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than any general provisions imposed by this Code, the provision imposing the greater restriction or regulation shall be applicable.

***Joint authority.*** Whenever a joint authority is given to three or more persons or officers, it shall be construed as giving such authority to a majority of them.

***Judge.*** The term "judge" means the judge of the municipal court.

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*Keeper, proprietor.* The terms "keeper" and "proprietor" mean and include persons as the term "person" is defined herein, whether acting by themselves or through an agent or employee.

*Law.* The term "law" means and denotes applicable federal law, the state constitution and statutes, this Code, ordinances and resolutions of the city, and, when appropriate, any and all rules and regulations that may be promulgated thereunder.

*Liberal construction; minimum requirements; overlapping provisions.*

- (1) The ordinary signification shall be applied to all words, except words of art or words connected with a particular trade or subject matter when they shall have the signification attached to them by experts in such trade or with reference to such subject matter.
- (2) In all interpretations, the courts shall look diligently for the intention of the city council, keeping in view, at all times, the old law, the offense and the remedy. Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.
- (3) All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the city council may be fully conducted. In the interpretation and application of any provision of this Code, they shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general welfare.

*May.* The term "may" is to be construed as being permissive.

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

*Nontechnical and technical words.* Words and phrases shall be constructed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

*Number.* The singular number shall include the plural, and the plural number shall include the singular.

*O.C.G.A.* The abbreviation "O.C.G.A." refers to the Official Code of Georgia Annotated.

*Oath.* The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the terms "affirm" and "affirmed" shall be equivalent to the terms "swear" or "sworn."

*Officials or officers.* Whenever reference is made to officials, councils, commissions, departments or other municipal agents by title only, such reference shall be read as though followed by the term "of Cleveland, Georgia."

*Ordinance.* The term "ordinance" means a legislative act of the city of a general and permanent nature.

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

*Person.* The term "person" includes an individual, corporation, firm, partnership, association, organization, or any other legal entity or group acting as a unit. Words importing the masculine gender shall include the feminine gender, and words importing the singular shall include the plural and vice versa, as the context may require.

*Personal property.* The term "personal property" includes every species of property except real property, as hereinafter defined.

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

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

*Property.* The term "property" includes real, personal, and mixed estates and interests.

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*Public place.* The term "public place" means any park, cemetery, shopping center, schoolyard, or open space adjacent thereto, or any area available accessible to the public, regardless of whether privately or publicly owned, and any place that the public is invited or permitted to go or to congregate.

*Real property.* The term "real property" includes lands, tenements, and hereditaments.

*Reasonable time or reasonable notice.* The term "reasonable time" or "reasonable notice" shall be deemed to mean only such time as may be necessary for the prompt performance of the act required.

*Residence.* The term "residence" shall be construed to mean the place adopted by a person as his place of habitation and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

*Resolution.* The term "resolution" means a legislative act of the city council of a special or temporary character.

*Shall.* The term "shall" is mandatory.

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

*Signature, subscription.* The term "signature" or "subscription" includes a mark intended as such when the person cannot write.

*State.* The term "state" or "this state" means the State of Georgia.

*Statute.* The term "statute," unless otherwise specifically stated, refers to the indicated portion of the Official Code of Georgia Annotated.

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

*Tenant or occupant.* The term "tenant" or "occupant," when applied to a building or to land, shall include any person holding a written or oral lease of or who occupies the whole or a part of such building or land, either alone or with others.

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

*Week.* The term "week" means seven days.

*Will.* The term "will" is to be construed as being mandatory.

*Writing or written.* The terms "writing" and "written" include printing and any other mode of representing words and letters.

*Year.* The term "year" means a calendar year.

(Comp. Ords. 1970, §§ 1-101, 1-102; Ord. No. 2026-01, 6-15-2026)

State law reference(s)—Statutory definitions and rules of construction, O.C.G.A. § 1-3-1 et seq.; construction of statutory definitions, O.C.G.A. § 1-3-2; general statutory definition, O.C.G.A. § 1-3-3.

### **Sec. 1-3. Catchlines; notes; references.**

- (a) 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, not as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

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- (b) The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are intended merely to indicate the source of matter contained in the section. Editor's notes, Charter references and state law references that appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.
  - (c) All references to chapters, articles, divisions, subdivisions, or sections are to chapters, articles, divisions, subdivisions, or section of this Code, unless otherwise specified.

(Comp. Ords. 1970, § 1-103)

State law reference(s)—Notes and catchlines of code sections not part of law, O.C.G.A. § 1-1-7.

#### **Sec. 1-4. Effect of repeal or expiration of Code section.**

- (a) The repeal of a Code section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.
- (b) The repeal of an ordinance that rescinded an earlier ordinance or Code provision shall not revive the earlier ordinance or provision unless expressly stated.

(Ord. No. 2026-01, 6-15-2026)

#### **Sec. 1-5. Supplementation of Code.**

- (a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the councilmembers. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement. Charter amendments may be included in like manner.
- (b) In the preparation of a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
  - (1) Organize the ordinance material into appropriate subdivisions;
  - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
  - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
  - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ through \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

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- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(Ord. No. 2026-01, 6-15-2026)

**Sec. 1-6. Amendments to Code.**

- (a) All ordinances passed subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section or subsection of this Code or any portion thereof, such repealed portions may be excluded from this Code by omission from reprinted pages. The subsequent ordinances, as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the city council.
- (b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section \_\_\_\_\_ of The Code of Ordinances of the City of Cleveland, Georgia, is hereby amended to read as follows:...." The new provisions shall then be set out in full as desired.
- (c) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That The Code of Ordinances of the City of Cleveland, Georgia, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which said section reads as follows:...." The new section shall then be set out in full as desired.
- (d) All sections, articles, chapters or provisions to be repealed must be specifically repealed by section, article or chapter number, with reference to the subject matter, as the case may be.

**Sec. 1-7. Altering Code.**

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, to insert or delete pages or portions thereof, or to alter or tamper with this Code in any manner whatsoever, except by ordinance or resolution or other official act of the city council.

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

**Sec. 1-8. Exclusion of special or temporary ordinances.**

Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this Code, or be deemed a part hereof.

**Sec. 1-9. Form of Code; repository; maintenance.**

A copy of this Code shall be kept on file in the office of the city clerk, preserved in looseleaf form, or in such other form as the clerk may consider most expedient. It shall be the express duty of the clerk or his designee to insert in their designated places all resolutions, general resolutions and ordinances that indicate the intention of the city council to make the same a part of this Code, when the same have been printed or reprinted in page form, and to extract from this Code all provisions that may be from time to time repealed by the city council. A copy of this Code shall be available in the office of the city clerk for examination by all persons.

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State law reference(s)—Inspection of public records, O.C.G.A. § 50-18-70 et seq.; requirements for publication of code, O.C.G.A. § 36-80-19.

**Sec. 1-10. Responsibility of city personnel with respect to assigned copies of Code.**

Each city official or employee assigned a copy of this Code shall be responsible for maintaining the same and for the proper insertion of amendatory pages as received. Each such copy shall remain the property of the city and shall be turned over by the official or employee having custody thereof, upon expiration of his term of office or employment, to his successor or, should he have no successor, to the city clerk.

**Sec. 1-11. Prior offenses, penalties, contracts or rights not affected by adoption of Code.**

- (a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accrued before the effective date of this Code.
- (b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance or resolution in effect on the date of adoption of this Code.

(Ord. No. 2026-01, 6-15-2026)

**Sec. 1-12. Continuation of existing ordinances.**

The provisions appearing in this Code, so far as they are substantially the same as ordinances existing at the time of the effective date of this Code, shall be considered continuations thereof and not as new enactments.

**Sec. 1-13. Certain ordinances not affected by Code.**

- (a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:
  - (1) Any rates, fees or charges consistent with this Code;
  - (2) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds for the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;
  - (3) Any ordinance or resolution consistent with this Code prescribing traffic regulations for specific locations, such as prescribing through streets, parking limitations, parking prohibitions, one-way traffic or limitations on loads of vehicles or loading zones;
  - (4) Any ordinance or resolution consistent with this Code fixing salaries of or providing policies and programs for, or providing retirement, disability or death benefits for, officials, officers or employees of the city;
  - (5) Any budget ordinance or appropriation ordinance or any ordinance levying any tax;
  - (6) Any right or franchise granted by any ordinance or resolution;
  - (7) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening or vacating any street or public way in the city;
  - (8) Any ordinance establishing and prescribing the street grades of any street in the city;
  - (9) Any ordinance providing for local improvements or assessing taxes therefor;

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- (10) Any ordinance dedicating or accepting any plat or subdivision within the city;
  - (11) Any zoning ordinance, any ordinance regulating subdivisions, any ordinance regulating signs, or any ordinance regulating building design standards;
  - (12) Any ordinance or resolution adopted for purposes that have been consummated;
  - (13) Any ordinance that is temporary, although general in effect, or special, although permanent in effect; and
  - (14) Any resolution of the city not in conflict with this Code.
- (b) All such ordinances or resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

**Sec. 1-14. Severability of parts of Code.**

If any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, it shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

(Comp. Ords. 1970, § 1-104)

State law reference(s)—Severability of state legislation, O.C.G.A. § 1-1-3.

**Sec. 1-15. Conflicting regulations.**

- (a) If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- (b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.
- (c) If any of the provisions hereof conflict, and the conflict cannot be resolved by application of subsections (a) and (b) of this section, the more stringent regulation shall apply and the specific provision shall prevail over the general.

**Sec. 1-16. General penalty; continuing violations; violations as public nuisance.**

- (a) In this section, the phrase "violation of this Code" means:
  - (1) Doing an act that is prohibited, made, or declared to be an unlawful act, an offense, or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
  - (2) Failure to perform an act that is required to be performed by ordinance, rule, or regulation authorized by ordinance; or
  - (3) Failure to perform an act if the failure is declared a misdemeanor, an offense, or an unlawful omission by ordinance, rule, or regulation authorized by ordinance.
- (b) The phrase "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section or it is clear from the context of this Code that it is the intent of the city to impose the penalty provided for in this section upon the city officer or employee.

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- (c) Except as otherwise provided in this Code or by general law, a person convicted of a violation of this Code shall be punished by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding 30 days or work on the streets or public works for a period not exceeding 90 days, or both, or any combination thereof.
  - (d) All sentences must be in the alternative, and fines may be imposed with the alternative of the other punishment in the event the fines are not paid.
  - (e) Except as otherwise provided in this Code, each day that a violation of this Code continues shall constitute a separate offense.
  - (f) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such other means as are provided by law. Furthermore, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance, resolution, rules, regulation or order shall be deemed a public nuisance and may be abated by the city as provided by law.
  - (g) The imposition of a penalty does not prohibit equitable relief.
  - (h) The imposition of a penalty does not prohibit revocation or suspension of a license, permit, or franchise or the imposition of other administrative sanctions.
  - (i) All fines shall be paid into the city treasury.
  - (j) In the event community service is substituted for a fine, the monetary rate for hourly work shall be the federal minimum hourly wage.
  - (k) If it is deemed by a court of competent jurisdiction that a punishment imposed under this Code conflicts with the laws of the state, the punishment shall be the maximum permitted by law.

State law reference(s)—Maximum penalties that may be imposed by municipalities, O.C.G.A. §§ 36-35-6, 36-32-1, 36-32-5; additional penalties and bond in certain criminal and traffic cases, O.C.G.A. § 15-21-73; authority to impose community service as punishment, O.C.G.A. § 17-10-1; alternative sentences by municipal courts, O.C.G.A. § 36-32-5; powers of municipal court judges in criminal cases, O.C.G.A. § 36-32-3; jurisdiction of municipal court, O.C.G.A. § 36-32-6 et seq.

(Ord. No. 2026-01, 6-15-2026)

### **Sec. 1-17. Payment of fines.**

All fines collected within the city limits shall be paid to the city clerk, who shall then deposit them in the general fund.

(Comp. Ords. 1970, § 1-107)

### **Sec. 1-18. Fees established by ordinance.**

Fees for permits, licenses, and other city services shall be as established from time to time by ordinance of the city council and set forth in the separate fee schedule adopted by the city and referenced in chapter 24.

## Chapter 2 ADMINISTRATION<sup>2</sup>

### ARTICLE I. IN GENERAL

#### Sec. 2-1. Records management.

- (a) The city clerk shall be the coordinator of the city's records management plan and authorized to act for and on behalf of the mayor and city council in directing and coordinating all records management matters under the Georgia Records Act, O.C.G.A. § 50-18-90 et seq., the records retention schedules approved by the state, and the provisions of this section, except as limited in this section.
- (b) No record shall be destroyed except as authorized by the state records retention schedule. Records shall be maintained for at least the retention period provided in the state records retention schedule but may be maintained for such longer period as is deemed necessary or advisable by the city clerk.
- (c) In no event shall any city record maintained under this section be destroyed without the express approval of the city clerk.

State law reference(s)—Inspection and copying of public records, O.C.G.A. § 50-18-70 et seq.; records management programs for local governments, O.C.G.A. § 50-18-99.

#### Secs. 2-2—2-20. Reserved.

### ARTICLE II. CITY COUNCIL<sup>3</sup>

#### DIVISION 1. GENERALLY

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<sup>2</sup>State law reference(s)—Municipal Home Rule Act, O.C.G.A. § 36-35-1 et seq.; home rule for municipalities, O.C.G.A. § 36-35-3; limitations on home rule for municipalities, O.C.G.A. § 36-35-6; general authority of municipalities, O.C.G.A. §§ 36-34-1 et seq., 36-35-1 et seq.; liability of municipal corporations, O.C.G.A. § 36-33-1 et seq.; limitations on home rule powers, O.C.G.A. § 36-35-6; provisions applicable to counties and municipalities, O.C.G.A. § 36-60-1 et seq.; provisions applicable to counties, municipalities, and other, O.C.G.A. § 36-80-2 et seq.; liability of municipal corporations for acts or omissions, O.C.G.A. § 36-33-1 et seq.; municipal acquisition and disposition of real and personal property, O.C.G.A. § 36-37-1 et seq.; Georgia Records Act, O.C.G.A. § 50-18-90 et seq.

<sup>3</sup>State law reference(s)—Authority of council to bind subsequent council, O.C.G.A. § 36-30-3; councilmembers incompetent to hold other municipal office, O.C.G.A. § 36-30-4; effect of residence in annexed territory as qualification for office, O.C.G.A. § 36-30-5; voting when personally interested, O.C.G.A. § 36-30-6; method of calling election in the event all seats in municipal governing authority are vacant, O.C.G.A. § 36-30-13; initial terms of office of members of governing authority, O.C.G.A. § 36-31-9.

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**Sec. 2-21. Members; authority.**

The city is governed by the city council, consisting of the mayor and four councilmembers who are vested with all corporate, legislative and other powers of the city as permitted by the city Charter and by law. The council shall be the final judge of the election and qualifications of its members, also of the amount and manner of compensating them for their services, to the extent permitted by the city Charter and state law.

**Sec. 2-22. Residency requirements.**

- (a) To be eligible for the office of mayor, a candidate shall be a resident of the city for 12 months immediately preceding the date of qualification for election. An elected mayor must continue to reside in the corporate limits of the city during his term in office and must be qualified and registered to vote in municipal elections in the city.
- (b) To be eligible for the office of councilmember, a candidate shall have been a resident of the city and of the ward for which the candidate seeks election for 12 months immediately preceding the date of qualification for election. An elected councilmember shall continue to reside in the corporate limits of the city, in the ward from which he is elected, during his term in office and must be qualified and registered to vote in municipal elections in the city.

(Ord. No. 2026-01, 6-15-2026)

**Sec. 2-23. Election; term; vacancies.**

The mayor and councilmembers shall be elected as provided in the city Charter or by general law to serve terms of four years and until their successors in office are elected and qualified. Terms shall begin on January 1 and expire on December 31 as provided in the city's Charter. Vacancies in office shall be filled as provided in the city Charter or by general law.

(Ord. No. 2026-01, 6-15-2026)

**Sec. 2-24. Compensation; reimbursement of expenses.**

- (a) The mayor and council are hereby authorized to fix the salary, compensation and expenses of the mayor and each member of the council in accordance with the provisions of an Act known as "The Municipal Home Rule Act of 1965," approved March 26, 1965 (Ga. Laws 1965, p. 298), as now or hereafter amended.
- (b) The salary for mayor shall be set at \$600.00 per month for each month of the calendar year that the mayor serves. The salary for each councilmember shall be set at \$400.00 per month for each month that the councilmember serves.
- (c) That part of the salary of the mayor and each councilmember officially representing the city council and the remainder of the respective salaries of the mayor and each councilmember shall be paid monthly.

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- (d) For attending each called meeting, each member of the committee shall receive as additional compensation of \$100.00 per diem, payable monthly, not to exceed five (5) meetings per month.
- (e) The mayor and each member of the council shall be entitled to receive their actual and necessary expenses incurred in the performance of the duties of their office.
- (f) Any prior action taken to provide or extend insurance, federal benefit programs, retirement, hospitalization, workers' compensation, or any other employee or elected official benefits to members of the municipal governing authority is ratified, validated, and continued in full force and effect.
1. For the purposes of stipend eligibility, a "meeting" shall include:
    - a. City Council Meetings:  
Any officially scheduled gathering of the city council, including regular meetings, special meetings, emergency meetings, workshops, or work sessions, at which City business is discussed, considered, or acted upon.
    - b. Representation on Boards, Committees, and Public Bodies:  
Any meeting of a board, commission, committee, or public body at which the mayor or a council member represents the City, whether as a voting member, liaison, or participant.
    - c. Public Events or Presentations on Behalf of the City:  
Any public meeting, event, hearing, or presentation at which the mayor or a council member is formally presenting on behalf of the City or the city council, or otherwise fulfilling an official duty.
    - d. Any gathering conducted for training, retreats, staff development, professional development, organizational planning, staff or constituent meetings, vendor or sales representative engagement, or any other scheduled or purpose-driven group activity.
  2. City staff shall develop a standardized form for the reporting of reimbursable meetings. Such forms shall be submitted on a monthly basis for reimbursement.
  3. The City Clerk shall review all submitted materials for completeness and compliance with this ordinance. Requests lacking adequate documentation may be returned for correction or denied.
  4. All reimbursement-related records shall be retained as part of the City's official records in accordance with the City's adopted records retention schedule.

(Ord. of 10-12-1987, § 2; Ord. of 10-11-1999, §§ 1—5; Ord. No. 2026-01, 6-15-2026)

State law reference(s)—Authority to provide compensation and employee benefits to municipal officers and employees, O.C.G.A. § 36-35-4.

**Secs. 2-25—2-51. Reserved.**

## *DIVISION 2. MEETINGS<sup>4</sup>*

### **Sec. 2-52. Meetings.**

- (a) *Regular meetings.* The city council shall hold regular semi-monthly meetings on the first and third Monday of each month at 6:30 p.m. in the council room of the city hall, or on such other regular days and at such other regular times as may be determined from time to time by the city council.
- (b) *Called meetings.* The council may hold called meetings or work sessions as needed when called by the mayor or by three councilmembers. Notice of a called meeting shall be provided to all councilmembers and shall comply with the requirements of Georgia law, including reasonable advance notice under the circumstances. Only the business stated in the notice shall be considered or acted upon at a called meeting.
- (c) *Emergency meetings.* The council may hold emergency meetings when called by the mayor or three councilmembers. Notice of any emergency meeting shall be provided to all councilmembers and shall comply with the requirements of Georgia law, including reasonable advance notice under the circumstances.

The notice requirements of this section may be waived only if the mayor and all councilmembers are present and agree to hold the meeting, or if a councilmember waives notice in writing before or after the meeting.

Attendance at an emergency meeting shall constitute a waiver of notice as to any business transacted in the councilmember's presence.

Only the business stated in the notice shall be considered or acted upon at an emergency or special meeting.

- (c) *Work sessions.* The mayor and city council may hold work sessions at such times as necessary to perform their duties. At work sessions, the mayor and council may discuss, deliberate, plan, or debate current city issues but may not take any vote or formal action and shall not publish or follow a formal agenda.
- (d) *Open meetings.* All meetings of the mayor and council shall be public to the extent required by law, and notice to the public of any special meetings shall be given, to the extent reasonably possible, as provided in O.C.G.A. § 50-14-1, or other such applicable laws as are or may hereafter be enacted.
- (e) *Chairperson.* In the absence of the mayor and mayor pro tem, any member of the council may be chosen to take the chair at the hour appointed for any meeting.
- (f) *Compelling attendance of witnesses.* The mayor and council may also adopt procedures and penalties for compelling the attendance of absent members, as well as punishment for contemptuous behavior conducted in the presence of the mayor and council.
- (g) *Quorum.* Two councilmembers and the mayor (three persons), shall constitute a quorum. In the event that the mayor is absent, a quorum shall consist of two councilmembers and the mayor pro-tem (three persons). A less number may adjourn from time to time and compel attendance of absentees.
- (h) *Voting.* Voting on the adoption of any ordinances shall be by voice vote, and the vote shall be recorded in the minutes of the council. Any member of the council shall have the right to request a roll call vote, and such vote shall also be recorded in the minutes, if requested. Except as otherwise provided in the city Charter or

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<sup>4</sup>State law reference(s)—Open meetings and notice of meetings required, O.C.G.A. § 50-14-1; meetings of governing bodies of counties and municipalities to be open, O.C.G.A. § 36-80-1.

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by general law, the affirmative vote of three councilmembers, including the mayor, in the event of a tie vote, shall be required for the adoption of any ordinance, resolution, or motion. All councilmembers shall have a duty to vote on any matter coming before the mayor and council that requires such a vote, unless a councilmember has a conflict of interest as defined in the city Charter or is as otherwise legally excused or prohibited from voting by the Charter, or any other laws, ordinances, or regulations of this state.

- (i) *Committee reports.* Each committee shall report to the council on matters referred to it as such matters are ready for consideration, recommendation, or action.
- (j) *Duty to attend.* It shall be the duty of each member of the city council to attend each meeting of the city council unless he is prevented by some unavoidable circumstance.

(Ord. No. 2018-02, 3-5-2018; Res. No. 2025-15, § 2(Exh. A), 5-5-2025; Ord. No. 2026-01, 6-15-2026)

State law reference(s)—Open meetings, O.C.G.A. § 50-14-1 et seq.

### **Sec. 2-53. Agenda.**

- (a) *Preparation of agenda.* The city clerk, with the advice of the mayor and council, shall prepare an agenda of subjects to be acted on for each meeting. The agenda shall be made available to the council and to the public at some time during the week immediately prior to the meeting. Members of the public may request that a particular subject be placed on the agenda for the following meeting. This request must be submitted in writing to the city clerk and received at least three business days before the meeting. A new subject that requires attention may be added to the agenda during a meeting by a majority vote of the council.
- (b) *Public hearings regarding zoning issues.* Public hearings regarding zoning shall be conducted in accordance with O.C.G.A. §§ 36-66-4 and 36-66-5 and shall constitute an exception to the provisions of this section that conflict with such statutes.

State law reference(s)—Meeting agenda required, O.C.G.A. § 50-14-1.

### **Sec. 2-54. Minutes of meetings.**

- (a) *Required; open to public.* A summary of the subjects acted on, and those members present at a meeting must be written and made available to the public for inspection within two business days of the adjournment of a meeting. The city clerk shall promptly record the minutes for each council meeting, and such records shall be open to public inspection once approved as official by the council, but in no case later than immediately following the next regular meeting of the council.
- (b) *Minimum contents of minutes.* Minutes must, as a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, and a record of all votes. In the case of a roll call vote, the name of each person voting for or against a proposal must be recorded. In all other cases, it shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.

### **Sec. 2-55. Authority to conduct inquiries and investigations; subpoena power.**

The mayor or city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the mayor or city council shall be subject to punishment as provided in section 1-18.

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**Sec. 2-56. Order of business.**

The order of business shall be determined from time to time by the city council.

(Comp. Ords. 1970, § 2-103)

**Sec. 2-57. General rules of order.**

Except as otherwise provided in the city Charter or this Code, the rules of order shall follow standard parliamentary procedure in the transaction of business by and before the mayor and council at its meetings in all cases to which they are applicable.

(Comp. Ords. 1970, § 2-104)

**Sec. 2-58. Disturbing meetings.**

It is unlawful to disrupt any mayor and council meeting through disorderly or disrespectful conduct.

(Comp. Ords. 1970, § 2-105; Ord. No. 2026-01, 6-15-2026)

**Sec. 2-59. General procedures.**

The introduction, enactment and recording of city legislation shall be accomplished under the provisions of the city Charter.

(Comp. Ords. 1970, § 2-201)

**Secs. 2-60—2-76. Reserved.**

*DIVISION 3. ORDINANCES*

**Sec. 2-77. Effective date.**

Except as otherwise provided by any ordinance or state law:

- (1) All ordinances or resolutions not approved by the mayor shall be effective three days after passage thereof.
- (2) If the mayor files his reasons for not approving the ordinance or resolution, it shall become effective when a majority of the council again votes in favor of it.

(Comp. Ords. 1970, § 2-202)

**Sec. 2-78. Official copy.**

A true copy of an ordinance which has been duly enacted by the mayor and council, signed by the mayor, and attested to by the city clerk shall be known as an official copy of any ordinance of the city.

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(Comp. Ords. 1970, § 2-203)

**Sec. 2-79. Ordinances appropriating money.**

“No appropriation ordinance, and no ordinance amending, revising, or repealing an appropriation ordinance, shall be adopted except at a regular or called meeting in accordance with applicable law and council procedures. Any deviation from the council’s customary meeting process for consideration of such ordinance shall require the unanimous affirmative vote of the full council membership.

(Comp. Ords. 1970, § 2-204; Ord. No. 2026-01, 6-15-2026)

**Sec. 2-80. Procedure for adoption of ordinances and retention of council records.**

- (a) *Time for presenting; rules for consideration.* An ordinance may be introduced by any councilmember and read at a regular or called meeting of the mayor and council. Ordinances shall be considered and either adopted or rejected by the mayor and council in accordance with the rules established upon introduction of any ordinance.
- (b) *Emergency ordinances.* The mayor and city council may adopt emergency ordinances as provided and limited by the city Charter.
- (c) *Distribution of copies to council; copies for public inspection.* The clerk shall, as soon as possible, distribute a copy of each ordinance to the mayor and each councilmember and retain a reasonable number of copies in his office for inspection and copying by members of the public.
- (d) *Distribution of copies to codifier.* Upon passage, the clerk shall forward certified copies of all ordinances to the selected entity responsible for codifying for the codification of the city's ordinances, so that the Code can be properly revised and updated.
- (e) *Numbering of ordinances and resolutions.* After adoption, the city clerk shall assign ordinances consecutive numbers in the order they are finally adopted and maintain them in a permanent ordinance record. Resolutions shall be numbered in a separate consecutive series and maintained in a separate permanent record.
- (f) *Filing and retention of original documents.* The city clerk shall file, maintain, and preserve the original copies of all ordinances, resolutions, and written motions in accordance with applicable Georgia law governing the retention of public records.

(Ord. No. 2026-01, 6-15-2026)

**Secs. 2-81—2-103. Reserved.**

## **ARTICLE III. CITY OFFICERS AND EMPLOYEES<sup>5</sup>**

### **DIVISION 1. GENERALLY**

#### **Sec. 2-104. Adoption of personnel manual.**

The city's personnel policies and procedures manual is adopted by reference and shall have the force and effect of law as part of this Code. The manual, as it may be amended from time to time, shall be maintained by the city and applies as if fully set out in this section.

(Ord. No. 2026-01, 6-15-2026)

#### **Sec. 2-105. Appointment and compensation.**

All officers and employees who are deemed necessary by the mayor and council or their designee and are not otherwise provided for by law or ordinance shall be appointed as provided by the city Charter for such term and at such compensation as shall be provided thereby. Two members of an immediate family may not be appointed to positions of employment with the city. For the purposes of this article, the term "immediate family" shall include a spouse, son, daughter, father or father-in-law, mother or mother-in-law, brother or brother-in-law, sister or sister-in-law, grandfather, grandmother, or other person(s) who reside(s) in the employee's household and/or who is recognized by law as a dependent of the employee. . This policy applies to promotions, demotions, transfers, reinstatements and new employees, but shall not affect any employee who may be in violation as of the effective date of these policies. No employee will be penalized as a result of a departmental reorganization which places him in violation of this policy.

(Comp. Ords. 1970, § 3-201; Ord. No. 2026-01, 6-15-2026)

#### **Sec. 2-106. Bonds.**

Except where otherwise provided by law or ordinance, the mayor and council may require any officer or employee, before entering upon his duties, to post bond in an amount specified by the mayor and council. All bond

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<sup>5</sup>State law reference(s)—General authority of municipalities, O.C.G.A. §§ 36-34-1 et seq., 36-35-1 et seq.; liability of municipal corporations, O.C.G.A. § 36-33-1 et seq.; limitations on home rule powers, O.C.G.A. § 36-35-6; authority to provide for, regulate, etc., officers and employees, O.C.G.A. § 36-34-2; liability of municipality for acts of officers, O.C.G.A. § 36-33-3; personal liability of municipal officers, O.C.G.A. § 36-33-4; local government officers and employees not subject to liability for torts involving use of government vehicles, O.C.G.A. § 36-92-3; fixing of salaries of municipal employees, O.C.G.A. § 36-35-4; training of members of municipal governing authorities, O.C.G.A. § 36-45-04; local referenda for abolishing local offices or shortening or lengthening term, O.C.G.A. § 1-3-11; authority to provide compensation and employee benefits to municipal officers and employees, O.C.G.A. § 36-35-4.

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premiums shall be paid from city funds. However, when one person holds two positions, only one bond shall be required.

(Comp. Ords. 1970, § 3-202)

**Secs. 2-107—2-125. Reserved.**

*DIVISION 2. MAYOR*

**Sec. 2-126. Duties.**

- (a) In the absence of a duly appointed and acting city manager as provided in the city Charter, the mayor shall preside over all meetings of the city council. The mayor shall preserve order and decorum at such meetings, ensure that all officials and officers of the city faithfully perform all duties required of them, ensure that all the ordinances and laws of the city are properly carried out and executed, and ensure that all revenues are promptly collected and accounted for and proper records are kept of all financial transactions of said officers and of the city. The mayor shall exercise general supervision and jurisdiction over the affairs of the city and have authority to call the council in special session as often as deemed necessary for the proper conduct of the affairs of the city government.
- (b) If a city manager is duly appointed and acting as provided in the city Charter, the mayor shall have such powers and duties as are provided by the city council to the extent permitted or required by state law.

(Ord. No. 2026-01, 6-15-2026)

**Sec. 2-127. Mayor pro tem.**

Except where otherwise provided by law, the mayor pro tem shall perform the duties and functions of the mayor provided for in this Code during the absence or disability of the mayor. In the event the mayor and mayor pro tem shall fail or be unable to act, any person specifically designated by the mayor and council may act in their stead.

(Comp. Ords. 1970, § 3-104)

**Sec. 2-128. Contracts; deeds; bonds.**

The mayor shall sign and execute all contracts authorized by the mayor and council. The mayor shall also be authorized to sign the deeds and bonds of the city.

(Comp. Ords. 1970, § 3-102)

**Secs. 2-129—2-154. Reserved.**

*DIVISION 3. CITY Manager*

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## **Sec. 2-155. City manager; acting city manager; removal.**

- (a) The city manager shall be selected and appointed by the mayor and council. He shall be responsible to the mayor and council for the administration of all city affairs placed in charge by and under the Charter. In the event the office of city manager is vacant, the mayor shall exercise all powers conferred on the office by this Code, the city Charter, and general law.
- (b) The mayor and council shall appoint the city manager for an indefinite term and shall fix his compensation. The city manager shall be appointed solely on the basis of his executive and administrative qualifications, and the term and salary may be fixed by the mayor and council without the passage of an ordinance. Before taking office, the city manager shall furnish a fidelity bond in the amount of \$100,000.00, conditioned upon the faithful performance of his duties, with a corporation licensed to do business in the state as a surety. Such bond shall be filed with the city clerk after being approved by the mayor and council.
- (c) The city manager shall have the following powers and duties:
  - (1) a. The city manager shall appoint and, when he deems it necessary for the good of the city, supervise, suspend, or remove all city employees and administrative officers so appointed, except as otherwise provided by law or personnel ordinances adopted pursuant to the Charter except to the extent otherwise provided in this subsection.
    - b. The mayor and council shall have the sole power and authority to appoint, suspend, or remove the city attorney, city engineer, judge of the municipal court, city clerk and all members of boards, commissions, or authorities which the mayor and council have created or shall create or of which the city is or shall be a member.
    - c. The city manager shall not appoint, suspend, or remove any city government department head without the prior approval of the mayor and council. For the purpose of this section, a department head shall be defined in accordance with the City's current organizational chart.
    - d. Each department head shall also have authority to supervise, suspend or remove employees in his department.
    - e. Any city employee or administrative officer suspended or removed under this section may, within five working days of said suspension or removal, file a written request with the city clerk requesting that the mayor and council review such action. After such written request is filed, the mayor and council may veto any such suspension or removal within 30 days thereof.
  - (2) The city manager shall direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by the Charter or by state law.
  - (3) The city manager shall attend all council meetings and shall have the right to take part in discussion but may not vote.
  - (4) The city manager shall see that all laws, provisions of the Charter, and acts of the mayor and council subject to enforcement by him or by officers subject to his direction and supervision are faithfully executed.
  - (5) The city manager, in coordination with the Finance Director, shall prepare and submit the annual operating budget and capital improvement plan (CIP) to the mayor and council. Approval of the budget and CIP shall be authorization to make expenditures and purchases in accordance with the operating budget.
  - (6) The city manager shall submit to the mayor and council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

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- (7) The city manager shall make such reports as the mayor and council may require concerning the operations of city departments, offices, and agencies subject to his direction and supervision.
  - (8) The city manager shall keep the mayor and council fully advised as to the financial condition and future needs of the city and shall make such recommendations to the mayor and council concerning the affairs of the city as he deems desirable and as the mayor and council may require.
  - (9) The city manager shall perform such other duties as are specified in the Charter or may be required by the mayor and council.
  - (10) The city manager shall propose the salaries and compensation of all employees of the city, except the city attorney, city engineer, judge of the municipal court, city clerk and all members of boards, commissions, or authorities, provided that no proposed raise in salary or compensation of such employee shall become effective until it is approved by the mayor and council at a regular meeting of the mayor and council.
- (d) During the temporary absence or disability of the city manager, the mayor and council may revoke such designation of the city manager at any time and appoint another officer of the city to serve until the city manager shall return or his disability ceases. The mayor and council shall have the power to appoint the mayor to serve as acting city manager during the temporary absence or disability of the city manager or during such time as the office of such city manager shall remain vacant. Should the council so appoint the mayor as acting city manager and the mayor so serve, the mayor shall not be entitled to receive the salary of the city manager. For the purpose of this section, the term "disability of the city manager " shall include being suspended from his duties by the mayor and council. The acting city manager shall cease exercising the powers and duties of the city manager upon the appointment of a city manager or upon the revocation of said acting city manager 's appointment by the council. In those instances in which the mayor has been appointed acting city manager, the mayor shall cease exercising the powers and duties of the city manager upon the appointment of a city manager or upon the revocation of said mayor's appointment as acting city manager s by the council. The acting city manager shall take the same oath as the city manager but need not furnish a fidelity bond.
- (e) If a contract is not in place, the mayor and council may remove the city manager from office in accordance with the following procedures:
- (1) The mayor and council shall adopt, by affirmative vote of a majority of all its members, a preliminary resolution which must state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager.
  - (2) Within five days after a copy of the resolution is delivered to the city manager, the city manager may file with the mayor and council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the mayor and council a written reply not later than five days before the hearing.
  - (3) If the city manager has not requested a public hearing within the time specified in subsection (e)(2) of this section, the mayor and council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the city manager has requested a public hearing, the mayor and council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all members at any time after the public hearing.
  - (4) The city manager shall continue to receive his salary and benefits until the effective date of a final resolution of removal.
  - (5) The city manager may be removed from office for cause or without cause. If removed without cause, he shall be entitled to receive his regular salary and benefits for a period of 30 days from the effective date of the final resolution of removal.

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(Ord. No. 2026-01, 6-15-2026)

**Secs. 2-156—2-178. Reserved.**

*DIVISION 4. CITY CLERK<sup>6</sup>*

**Sec. 2-179. Appointment.**

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk or his designee shall be custodian of the official city seal and shall maintain city council records required by this Code, the city Charter, or state law.

**Sec. 2-180. General duties of clerk.**

In addition to such duties as provided in the city Charter and by general law, it shall be the duty of the city clerk or his designee to do the following:

- (1) Attend meetings of the mayor and council and keep the official minutes of its proceedings, including the names of members and other parties present and absent and the vote of each councilmember on each resolution, ordinance, motion, or other official action considered;
- (2) Prepare and certify copies of official records when requested, for which fees may be prescribed by ordinance;
- (3) Maintain a record of registration of franchises granted by the city; and
- (4) Perform such other duties as may be required by the mayor and council.

(Ord. No. 2026-01, 6-15-2026)

**Secs. 2-181—2-198. Reserved.**

*DIVISION 5. CITY ATTORNEY*

**Sec. 2-199. Appointment; qualifications; oath; compensation.**

- (a) The city attorney shall be appointed by the mayor and city council and shall serve until a successor is appointed and has qualified. No person shall be so appointed unless he is a member in good standing of the state bar and has been actively engaged in the practice of law for at least three years preceding his appointment. Before entering upon the duties of his office, the city attorney shall take the oath prescribed by the city council for city officers. The city attorney shall receive compensation in the amount established from time to time by the city council.
- (b) In addition to the city attorney, the mayor and city council shall annually appoint a city solicitor who shall have such duties as are assigned by the council.

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<sup>6</sup>State law reference(s)—Training for municipal clerks, O.C.G.A. § 36-45-20.

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**Sec. 2-200. Duties.**

The city attorney shall have such duties as are provided in the city Charter and prescribed from time to time by the city council, other than those assigned to the city solicitor. The duties assigned to the city attorney may be delegated by the city attorney unless otherwise specifically provided by the city council.

**Secs. 2-201—2-223. Reserved.**

*DIVISION 6. CODE ENFORCEMENT OFFICER*

**Sec. 2-224. Appointment.**

The city code enforcement officer shall be appointed by the chief of police and shall serve until a successor is appointed and has qualified.

(Ord. No. 2026-01, 6-15-2026)

**Sec. 2-225. Recognition and certification.**

The city code enforcement officer shall do all things necessary in order to be recognized as a law enforcement officer of the state and certified within the standards of the state Peace Officer Standards and Training Act (POST Act), as provided in O.C.G.A. § 35-8-1 et seq. In the event the city code enforcement officer is not POST-certified, then he shall have 12 months from his hiring date in which to become POST-certified.

(Ord. of 8-8-2005, § I)

**Sec. 2-226. Power of arrest.**

The city code enforcement officer shall have the power of arrest in the enforcement of all ordinances of the city, state codes, and the laws of the state.

(Ord. of 8-8-2005, § II)

**Sec. 2-227. Duties and responsibilities.**

The primary duties and responsibilities of the city code enforcement officer shall be as follows:

- (1) To enforce all ordinances enacted by the mayor and city council, state codes, and the laws of the state;
- (2) To issue warnings, notices of ordinance violation, and citations for court appearances for the violation of ordinances and the laws of the state;
- (3) To investigate and collect evidence of these ordinances and the laws of the state violations;
- (4) To respond to complaints of alleged violations of ordinances and laws of the state;
- (5) To appear and testify in court;
- (6) To do any follow-up work that may be necessary;
- (7) To ensure proper collection of fines;

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- (8) To coordinate enforcement efforts with the building inspection department, the public works department, the city police department, and any other department or division of the city as may be deemed necessary.

(Ord. of 8-8-2005, § III)

**Sec. 2-228. Placement of position.**

The position of code enforcement officer shall be under the supervision of the chief of police.

**Sec. 2-229. Authority to issue summonses or citations.**

In addition to all duties and responsibilities set forth in this division, where any provisions of this Code that authorize the city police department to issue a summons or citations, the code enforcement officer shall also specifically be authorized to issue said summons or citations.

(Ord. of 8-8-2005, § IV)

**Secs. 2-230—2-251. Reserved.**

***ARTICLE IV. DEPARTMENTS AND COMMITTEES***

***DIVISION 1. GENERALLY***

**Sec. 2-252. Departmental organization.**

The city manager may recommend persons to be appointed as department heads. The mayor and council shall appoint a director or head of each department or agency who shall be its principal officer.

(Ord. No. 2026-01, 6-15-2026)

**Sec. 2-253. Department heads.**

Each department head shall be responsible to the City Manager for the administration and direction of the affairs and operations of his department or agency, subject to the direction of the city manager and/or mayor and council. Each such department head shall:

- (1) Be immediately responsible to the City Manager for the effective administration of his department and all activities assigned thereto;
- (2) Keep informed as to the latest practices in his particular field and inaugurate such new practices as appear to be of benefit to the service and to the public;
- (3) Submit annual reports of the activities of his department to the city manager;
- (4) Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the mayor and council or their designee;

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- (5) Have power, when authorized by the mayor and council, to appoint and remove, subject to personnel regulations, all subordinates under him; and
  - (6) Be responsible for the proper maintenance of all city property and equipment used in his departments.

(Ord. No. 2026-01, 6-15-2026)

**Sec. 2-254. Interdepartmental cooperation.**

Each department shall cooperate with every other department and shall furnish, upon the direction of the mayor and council or their designee, any other department such service, labor, and materials as may be requisitioned by the head of each department, as its own facilities permit.

**Sec. 2-255. Appointment of committees and chairs by mayor and city council.**

All committees, committee chairs, and officers of the city council shall be recommended by the mayor and approved by the council and shall serve at the pleasure of the mayor and council. Furthermore, the mayor and council shall have the power to appoint new members to any committee at any time.

**Sec. 2-256. Reports.**

Within 30 days after the close of each fiscal year, the mayor and council or their designee shall obtain a report from the various city departments for the previous year and shall recommend any adjustments necessary or advisable to the city council. The mayor and council or their designee shall have the power to require reports from all officers and employees of the city as he may deem necessary to fulfill his executive responsibilities.

(Comp. Ords. 1970, § 3-101: Ord. No. 2026-01, 6-15-2026)

**Secs. 2-257—2-275. Reserved.**

*DIVISION 2. STANDING COMMITTEES<sup>7</sup>*

**Sec. 2-276. Establishment by council.**

The city council may establish such standing committees as it deems necessary or appropriate from time to time.

(Res. No. 2025-09, 2-10-2025)

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<sup>7</sup>Editor's note(s)—Res. No. 2025-09, adopted Feb. 10, 2025, amended ch. 2, art. IV, div. 2 in its entirety to read as herein set out. Former div. 2, §§ 2-276, 2-277, pertained to similar subject matter, and derived from prior code.

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**Sec. 2-277. Appointment of chairperson, members.**

At the first meeting of each reorganizational year, the city council shall appoint members, as the city council desires to each standing committee, said appointments may include members of the city council. Said appointments shall be for a two-year period, unless specified by the Codes of Ordinances of the City of Cleveland.

(Res. No. 2025-09, 2-10-2025)

**Sec. 2-278. Compensation.**

Members shall be entitled to receive compensation in the amount of \$100.00 per diem, payable monthly, for attending each scheduled, special, or called meeting of a standing committee.

(Res. No. 2025-09, 2-10-2025)

**Sec. 2-279. Exceptions.**

The contents of this section are in effect for all standing committees, except where specific instructions for a standing committee are provided regarding authority, terms of office, manner of appointment, or compensation rates.

(Res. No. 2025-09, 2-10-2025)

**Secs. 2-280—2-328. Reserved.**

***ARTICLE V. BOARDS, COMMISSIONS, AND AUTHORITIES<sup>8</sup>***

***DIVISION 1. GENERALLY***

**Sec. 2-329. Establishment by council.**

The city council shall establish such boards, commissions, and authorities as it deems necessary or desirable from time to time to fulfill any investigative, quasi-judicial or quasi-legislative function upon such terms as are provided by the council by ordinance in accordance with the city Charter.

**Sec. 2-330. Rules, regulations and bylaws.**

Unless otherwise provided by the city council, each board, commission, and authority established by the city council may establish such bylaws, rules and regulations, not inconsistent with the city Charter, this Code, or general law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs; provided, however, that copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

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<sup>8</sup>State law reference(s)—Conduct of members of local authorities, O.C.G.A. § 36-62-12 et seq.

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**Secs. 2-331—2-348. Reserved.**

*DIVISION 2. PLANNING COMMISSION*

**Sec. 2-349. Commission purpose.**

The purpose of the planning and zoning commission is to investigate and study the city's comprehensive plan, review development proposals, and consider applications for rezoning.

(Res. No. 2025-08, Exh. A, 2-3-2025)

**Sec. 2-350. Commission members and terms.**

The Cleveland planning and zoning commission shall consist of nine members, to be appointed as follows beginning January 1, 2026:

- (1) The mayor shall nominate and the council shall appoint an at-large position on the commission for an initial two-year term, with each successive term for that position to be a four-year term; and
- (2) Each councilmember shall nominate two people to fill positions on the commission from their respective ward or district. As selected by their respective nominating councilmember, one appointee will serve an initial two-year term, with each successive term for that position to be a four-year term. The second appointee for each ward or district will serve an initial four-year term, with each successive term for that position to be a four-year term; and
- (3) Upon completion of the initial terms, all commission members shall thereafter be appointed for four-year terms on a staggered basis; and
- (4) Any vacancy in the membership of the commission shall be filled for the remainder of the term in the same manner as the original nomination and appointment of the vacant position.

(Res. No. 2025-08, Exh. A, 2-3-2025; Ord. No. 2026-01, 6-15-2026)

**Sec. 2-351. Commission organization.**

During the first meeting of each even-year, the commission shall hold an organizational meeting. During the meeting, the members of the commission will select their leadership as follows:

- (1) The commission shall elect one of its members as chair and one member as vice chair and may elect as its secretary one of its own members or may appoint as secretary an employee of the city.
- (2) The commission may establish such bylaws, rules and regulations, not inconsistent with the Charter of the city, ordinances of the city, or other applicable law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

(Res. No. 2025-08, Exh. A, 2-3-2025; Ord. No. 2026-01, 6-15-2026)

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**Sec. 2-352. Commission member compensation.**

Members of the planning and zoning commission shall receive compensation of \$100.00 per diem, payable monthly, for attendance at each scheduled or called meeting of the commission.

(Res. No. 2025-08, Exh. A, 2-3-2025; Ord. No. 2026-01, 6-15-2026)

**Secs. 2-353—2-371. Reserved.**

*DIVISION 3. DOWNTOWN DEVELOPMENT AUTHORITY<sup>9</sup>*

**Sec. 2-372. Authority for creation.**

The city may create, under the provisions of the Downtown Development Authorities Law, O.C.G.A. § 36-42-1 et seq., a public body corporate and politic known as the Downtown Development Authority of Cleveland.

**Sec. 2-373. Downtown development area.**

- (a) The downtown development area of the downtown development authority is designated to be that geographical area within the city which constitutes the central business district of the city as shown on that certain map available for inspection in the office of the city clerk.
- (b) The board of directors shall organize itself, perform its duties and responsibilities and exercise its powers and prerogative in accordance with the terms and provisions of the Downtown Development Authorities Law as it now exists and as it may hereafter be amended or modified.

**Secs. 2-374 - Compensation**

- (a) Each member of the board of directors shall receive compensation of \$100.00 per diem, payable quarterly, for attendance at each scheduled or called meeting of the authority.

(Ord. No. 2026-01, 6-15-2026)

**Secs. 2-375—2-404. Reserved.**

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<sup>9</sup>State law reference(s)—Downtown development authorities, O.C.G.A. § 36-42-1 et seq.; municipal business improvement districts, O.C.G.A. § 36-43-1 et seq.; redevelopment authority of municipalities, O.C.G.A. § 36-44-1; county and municipal urban development, O.C.G.A. § 36-61-1 et seq.; training for members of local development authorities, O.C.G.A. § 36-62A-21; exception to training requirements for directors of downtown development authorities, O.C.G.A. § 36-62A-22.

## **ARTICLE VI. FINANCE<sup>10</sup>**

### **DIVISION 1. GENERALLY**

#### **Sec. 2-405. Temporary loans.**

The mayor and council may obtain short term loans in the name of the city when approved by the council. Any such indebtedness shall be payable solely from the proceeds of a duly authorized bond issue or from a specified designated source, unless there is a prior appropriation out of which such indebtedness could be paid.

(Comp. Ords. 1970, § 3-103)

#### **Secs. 2-406—2-423. Reserved.**

### **DIVISION 2. BUDGET**

#### **Sec. 2-424. Fiscal year.**

The city shall operate on a fiscal year which shall begin on July 1 and end on June 30.

(Comp. Ords. 1970, § 5-301)

State law reference(s)—Fiscal year required to be established by ordinance, O.C.G.A. § 36-81-3.

#### **Sec. 2-425. Proposed budget.**

The city's budget shall be prepared, reviewed, and approved annually pursuant to the procedure provided by the city Charter and general law.

(Comp. Ords. 1970, § 5-302)

State law reference(s)—Annual budget generally, O.C.G.A. § 36-81-3 et seq.; adoption of budget, O.C.G.A. § 36-81-6.

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<sup>10</sup>State law reference(s)—Municipal finance generally, O.C.G.A. § 36-81-1 et seq.; adoption of budget articles and resolutions, O.C.G.A. § 36-81-1 et seq.; political subdivision audits, O.C.G.A. § 36-81-7; accounting for public funds, O.C.G.A. § 45-8-1; limitations on use of purchasing and contract procedures, O.C.G.A. § 34-4-3.1; municipal bonds, O.C.G.A. § 36-38-1; standards for city and county audits, O.C.G.A. § 36-60-8; officer responsible for political subdivision investments, O.C.G.A. § 36-80-4; public works bidding, O.C.G.A. § 36-91-1 et seq.

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**Sec. 2-426. Financial statement.**

The mayor and council shall cause to be published, within six months after the close of each fiscal year and in accordance with state law, a general balance sheet and statement of revenues and expenditures showing all municipal accounts as of the close of such preceding fiscal year.

(Comp. Ords. 1970, § 5-303)

**Secs. 2-427—2-450. Reserved.**

*DIVISION 3. PURCHASES<sup>11</sup>*

**Sec. 2-451. Purchasing procedures**

(a) The mayor and council shall adopt and maintain a procurement policy establishing the processes and procedures governing the purchase of goods, services, equipment, supplies, and other items by the city.

(Ord. No. 2026-01, 6-15-2026)

**Sec. 2-452. Violation grounds for discharge.**

Violation of any provision of this division may be determined a violation of the city personnel policy and shall be deemed sufficient grounds for discharge.

(Ord. No. 2026-01, 6-15-2026)

**Secs. 2-453—2-484. Reserved.**

*DIVISION 4. PUBLIC WORKS CONTRACTS*

**Sec. 2-485. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City contract* means any contract for construction for the city or negotiated by the city for the benefit of the public or an individual, firm or corporation, regardless of whether or not the city is a party to the contract.

*Construction* means improvements or repairs the objective of which are to build, install, repair or improve a permanent structure, location, system or device with lumber, masonry, concrete, asphalt, rock, gravel, metal, plastic, glass or other similar material, to include necessary machinery, appliances or other fixtures and devices necessary for proper completion of such improvement or repairs.

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<sup>11</sup>State law reference(s)—Municipal home rule, Ga. Const. art. IX, § II, O.C.G.A. § 36-35-1 et seq.; multiple-year contracts and leases, O.C.G.A. § 36-60-13; public works contracts, O.C.G.A. § 36-84-1 et seq.; municipal purchases through state department of administrative services, O.C.G.A. § 50-5-100 et seq.

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*Longterm or substantial* means any contract of a duration exceeding 12 months or involving the payment by the city of more than \$50,000.00 for any goods, services, equipment or materials.

*Permanent* means having a useful life of five years or more.

**Sec. 2-486. Contracting procedures.**

Pursuant to O.C.G.A. § 36-91-20 et seq., the mayor and council shall establish and administer policies and procedures governing the procurement of public works construction projects in compliance with applicable Georgia law, including requirements for bidding, contracting, and purchasing. The city’s procurement practices shall promote fairness, transparency, fiscal responsibility, and compliance with all state-mandated public works **contracting requirements.**

(Ord. No. 2026-01, 6-15-2026)

**Sec. 2-487. Bids required.**

Every city construction contract shall be in compliance with the city procurement policy and state law.

(Ord. No. 2026-01, 6-15-2026)

**Sec. 2-488. Bid bonds or other security.**

- (a) In every instance where the city is seeking a contract subject to this article, the city may require a bid bond with good and sufficient surety approved by the city clerk for the faithful acceptance of the contract, payable to the city and for the protection of the city and the person for which the city seeks to contract. Any bid bond required by the city under this section shall be in the amount of not less than five percent of the total payable by the terms of the contract.
- (b) In lieu of the bid bond provided for in subsection (a) of this section, a cashier's check, certified check or cash may be accepted by the city upon approval by the city council in such amount as payable and for the protection aforesaid.

(Ord. No. 2026-01, 6-15-2026)

**Sec. 2-489. Performance bond; payment bond.**

- (a) Every contractor subject to the provisions of this division shall furnish a performance bond with good and sufficient surety payable to, in favor of, and for the protection of the city and/or the person for whom the work is to be done. The performance bond shall be in the amount of at least the total amount payable by the terms of the contract.
- (b) Every contractor subject to provisions of this division shall furnish a payment bond with good and sufficient surety payable to the city and/or the person for whom the work is to be done and for the use and protection of all subcontractors and all persons supplying labor, materials, machinery, and equipment in the prosecution of the work provided for in the contract.
- (c) In lieu of either or both of the bonds provided for in subsections (a) or (b) of this section, the city may accept a cashier's check, certified check or cash in the amount of either or both of the otherwise required bonds for the usage and protection aforesaid.

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**Secs. 2-490—2-515. Reserved.**

**ARTICLE VII. IDENTITY THEFT PREVENTION PROGRAM**

**DIVISION 1. GENERALLY**

**Sec. 2-516. Purpose; alternate designation.**

- (a) The purpose of this article is to comply with 16 CFR 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft. Pursuant to 16 CFR 681.1, the purpose of this article is also to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.
- (b) This article may be referred to as the city's identity theft prevention program or ITTP.

(Ord. of 2-9-2009(1), div. 1)

**Sec. 2-517. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Covered account* means:

- (1) An account that a creditor offers or maintains primarily for personal, family, or household purposes, which involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; or
- (2) Any other account that the creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

*Credit* means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment or to purchase property or services and defer payment therefor.

*Creditor* means any person or entity who regularly extends, renews, or continues credit, any person who regularly arranges for the extension, renewal, or continuation of credit, or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies. For the purposes of this article, the city is a creditor.

*Customer* means a person that has a covered account with a creditor.

*Department head* means any department head who works at the discretion of the executive officer or the city council, any elected official, or any individual appointed to manage a department on a permanent or temporary basis.

*Identity theft* means a fraud committed or attempted using the identifying information of another person without authority.

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*Notice of address discrepancy* means a notice sent to the city by a consumer reporting agency pursuant to 15 USC 1681C(h)(1), that informs the city of a substantial difference between the address for the consumer that the city provided to request the consumer report and the address in the agency's file for the consumer.

*Personal identifying information* means a person's credit card account information, debit card information, and bank account information and, for a natural person, includes such person's social security number, mother's birth name, drivers' license information and date of birth.

*Red flag* means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

*Service provider* means a person that provides a service directly to the city.

(Ord. of 2-9-2009(1), div. 1)

## **Sec. 2-518. Findings.**

The city council has found as follows:

- (1) The city is a creditor pursuant to 16 CFR 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears. Covered accounts offered to customers for the provision of city services include water, sewer, solid waste, and stormwater.
- (2) The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, and making payments for property taxes and other services have been identified as potential processes in which identity theft could occur.
- (3) The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts.
- (4) The city determines that there is a low risk of identity theft occurring in the following ways, if any:
  - a. Use by an applicant of another person's personal identifying information to establish a new covered account;
  - b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
  - c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts; and
  - d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

(Ord. of 2-9-2009(1), div. 1)

## **Sec. 2-519. Process of establishing a covered account.**

- (a) As a precondition to opening a covered account with the city, each applicant shall provide the city with personal identifying information of the customer in the form of a valid government issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account with written confirmation of being the authorized agent for the entity. The applicant shall also provide any other information necessary for the department providing the service for which the covered account is created. The information shall be entered directly into the city's records system and held in a secure storage area with access limited to those city personnel with the need to know.

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- (b) For each customer account for which the city may now or hereafter provide individual customer access to the customer's account information, such account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The city may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

(Ord. of 2-9-2009(1), div. 1)

**Sec. 2-520. Password required for access to covered account information.**

Access to any customer account that includes personal identifying information shall be password-protected and shall be limited to authorized city personnel. Passwords shall be changed by the head of the department providing the service for which the covered account is created, or by such other city employee authorized to conduct the provisions of this article, on a regular basis. The password shall be at least eight characters in length and shall contain letters, numbers and symbols.

(Ord. of 2-9-2009(1), div. 1; Ord. No. 2026-01, 6-15-2026)

**Sec. 2-521. Report of unauthorized access.**

Any unauthorized access to or other breach of customer accounts is to be reported immediately to the appropriate department director and the password changed immediately.

(Ord. of 2-9-2009(1), div. 1)

**Sec. 2-522. Customer information confidential; report of requests for access.**

Personal identifying information included in customer accounts is considered confidential, and any request or demand that specifically asks for such information shall be immediately forwarded to the applicable department head or other person authorized by the city council to conduct the provisions of this article.

(Ord. of 2-9-2009(1), div. 1; Ord. No. 2026-01, 6-15-2026)

**Sec. 2-523. Credit card payments.**

- (a) In the event that credit card payments that are made over the Internet are processed through a third-party service provider, such third-party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
- (b) All credit card payments made over the telephone or the city's website shall be entered directly into the customer's account information in the computer database.
- (c) Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

(Ord. of 2-9-2009(1), div. 1)

**Sec. 2-524. Sources and types of red flags.**

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft. Such red flags may include:

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- (1) Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include, but are not limited to:
    - a. A fraud or active-duty alert that is included with a consumer report;
    - b. A notice of credit freeze in response to a request for a consumer report, or a notice of address discrepancy provided by a consumer reporting agency;
    - c. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as a recent and significant increase in the volume of inquiries, an unusual number of recently established credit relationships, a material change in the use of credit, especially with respect to recently established credit relationships, or an account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.
  - (2) Suspicious documents. Examples of suspicious documents include:
    - a. Documents provided for identification that appear to be altered or forged;
    - b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
    - c. Identification on which the information is inconsistent with information provided by the applicant or customer;
    - d. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
    - e. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.
  - (3) Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:
    - a. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor, such as instances in which the address does not match any address in the consumer report or the social security number (SSN) has not been issued or is listed on the social security administration's death master file;
    - b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth;
    - c. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor;
    - d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity;
    - e. The SSN provided is the same as that submitted by other applicants or customers;
    - f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers;
    - g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete;

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- h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor;
  - i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- (4) Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
- a. Shortly following the notice of a change of address for an account, the city receives a request for the addition of authorized users on the account;
  - b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud as in instances where the customer fails to make the first payment or makes an initial payment but no subsequent payments;
  - c. An account is used in a manner that is not consistent with established patterns of activity on the account, such as instances where there is nonpayment when there is no history of late or missed payments or a material change in purchasing or spending patterns;
  - d. An account that has been inactive for a long period of time is used, taking into consideration the type of account, the expected pattern of usage and other relevant factors;
  - e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account;
  - f. The city is notified that the customer is not receiving paper account statements;
  - g. The city is notified of unauthorized charges or transactions in connection with a customer's account;
  - h. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
- (5) Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

(Ord. of 2-9-2009(1), div. 1)

**Sec. 2-525. Procedure regarding existing covered accounts.**

- (a) In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft.
- (b) If, in his discretion, the employee determines that identity theft or attempted identity theft is likely or probable, the employee shall immediately report such red flags to his department head.
- (c) If, in his discretion, the employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to his department head, who may, in his discretion, determine that no further action is necessary.
- (d) If the department head, in his discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the department head:
  - (1) Contact the customer;

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- (2) If, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account, change any account numbers, passwords, security codes, or other security devices that permit access to an account, or close the account;
  - (3) Cease attempts to collect additional charges from the customer for the covered account in question and decline to sell the customer's account to a debt collector in the event that the customer's account has been accepted without authorization and such access has caused additional charges to accrue;
  - (4) Notify a debt collector within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector, in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
  - (5) Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
  - (6) Take other appropriate action, as determined by the department head, to prevent or mitigate identity theft.

(Ord. of 2-9-2009(1), div. 1)

### **Sec. 2-526. Procedure regarding newly covered accounts.**

- (a) In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, the employee shall use his discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft.
- (b) If, in his discretion, the employee determines that identity theft or attempted identity theft is likely or probable, the employee shall immediately report such red flags to his department head.
- (c) If, in his discretion, the employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to his department head, who may, in his discretion, determine that no further action is necessary.
- (d) If the department head, in his discretion, determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the department head:
  - (1) Request additional identifying information from the applicant;
  - (2) Deny the application for the new account;
  - (3) Notify law enforcement of possible identity theft; or
  - (4) Take other appropriate action as determined by the department head to prevent or mitigate identity theft.

(Ord. of 2-9-2009(1), div. 1)

### **Sec. 2-527. Updating the program.**

The executive officer shall annually review this article and, if deemed necessary, make recommendations to the city council with regard to any needed amendments, including amendments of the designation of red flags, in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts

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from identity theft. In so doing, the executive officer shall consider the following factors and exercise its discretion in amending the program:

- (1) The city's experiences with identity theft;
- (2) Updates in methods of identity theft;
- (3) Updates in customary methods used to detect, prevent, and mitigate identity theft;
- (4) Updates in the types of accounts that the city offers or maintains; and
- (5) Updates in service provider arrangements.

(Ord. of 2-9-2009(1), div. 1)

### **Sec. 2-528. Program administration.**

- (a) The executive officer is responsible for oversight of the program and for program implementation, including, but not limited to, reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the executive officer, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the city council for consideration.
- (b) Department heads shall report to the executive officer at least annually on compliance with the red flag requirements. The department head reports will address material matters related to the program and evaluate issues such as:
  - (1) The effectiveness of the policies and procedures of the city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
  - (2) Service provider arrangements;
  - (3) Significant incidents involving identity theft and management's response; and
  - (4) Recommendations for material amendments of this article.
- (c) The city's department heads are responsible for providing training to all employees responsible for or involved in opening new covered accounts, restoring existing covered accounts or accepting payment for covered accounts with respect to the implementation and requirements of this article. The executive officer shall exercise his discretion in determining the amount and substance of training necessary.

(Ord. of 2-9-2009(1), div. 1)

### **Sec. 2-529. Outside service providers.**

In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts, the applicable department head shall exercise his discretion in reviewing such arrangements in order to ensure, to the best of his ability, that the service provider's activities are conducted in accordance with the policies and procedures in this article, as agreed upon by contract, designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

(Ord. of 2-9-2009(1), div. 1)

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**Sec. 2-530. Annual report to city council.**

An annual report will be submitted by the executive officer for approval of the city council on such schedule as is established by the city council. The report will include a summary of department head reports and recommendations for any amendment to this article.

(Ord. of 2-9-2009(1), div. 1)

**Secs. 2-531—2-553. Reserved.**

*DIVISION 2. ADDRESS DISCREPANCIES*

**Sec. 2-554. Treatment of address discrepancies.**

In the event that the city receives a notice of address discrepancy, the city employee responsible for verifying consumer addresses for the purpose of providing the city service or account sought by the consumer shall verify the information in the consumer report with the consumer or compare the information in the consumer report with:

- (1) Information the city obtains and uses to verify a consumer's identity in accordance with the requirements of the customer information program rules implementing 31 USC 5318(l);
- (2) Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
- (3) Information the city obtains from third-party sources that are deemed dependable by the relevant city employee.

(Ord. of 2-9-2009(1), div. 2)

**Sec. 2-555. Furnishing consumer's address to consumer reporting agency.**

- (a) In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
  - (1) The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
  - (2) The city establishes a continuing relation with the consumer; and
  - (3) The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
- (b) Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer.

(Ord. of 2-9-2009(1), div. 2)

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**Sec. 2-556. Methods of confirming consumer addresses.**

The city employee charged with confirming consumer addresses may, in his discretion, confirm the accuracy of an address through verifying the address with the consumer, reviewing the city's records to verify the consumer's address, verifying the address through third-party sources, or using other reasonable processes.

(Ord. of 2-9-2009(1), div. 2)

**Secs. 2-557—2-575. Reserved.**

**ARTICLE VIII. ETHICS<sup>12</sup>**

**Sec. 2-576. Purpose.**

The purpose of this code of ethics is to:

- (1) Encourage high ethical standards in official conduct by city officials;
- (2) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the city;
- (3) Require disclosure by such officials of private financial or other interest in matters affecting the city; and
- (4) Serve as a basis for disciplining those who refuse to abide by its terms.

The provisions of this code of ethics shall be applicable to all elected or appointed city officials.

Notwithstanding anything herein to the contrary, state law and the Charter of the city shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This article shall be interpreted to supplement, and not replace, said provisions of state law and the Charter.

(Ord. No. 2011-08, § 1, 4-11-2011)

**Sec. 2-577. Definitions.**

Solely for the purpose of this code of ethics:

- (1) *Benefit* means anything, regardless of its monetary value, which:
  - a. Is perceived or intended by either the one who offers it or the one to whom it is offered, to be sufficient in value to influence a member of the mayor and council in the performance or nonperformance of an official action; or

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<sup>12</sup>Editor's note(s)—Ord. No. 2011-08, § 1, adopted April 11, 2011, amended Article VIII in its entirety to read as herein set out. Former Article VIII, §§ 2-576—2-594, pertained to similar subject matter, and derived from Res. of 1-8-2007, div. A, div. B, §§ I, II, div. C, §§ I—X, div. D, §§ 1—III, div. E, §§ II, III, div. F, § I.

State law reference(s)—Ethics in Government Act, O.C.G.A. § 21-5-1 et seq.

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- b. Under the circumstances, a reasonably prudent person would recognize as being likely to be intended to influence a member of the mayor and council in the performance or nonperformance of an official action.
- (2) *City official or official*, unless otherwise expressly defined, does not include city employees but does mean the mayor, members of the city council, municipal court judges (including substitute judges), city manager, city clerk, city attorney, and all other persons holding positions designated by the City Charter, as amended. The term "city official" also includes all individuals, including city employees, appointed by the mayor and/or city council as appropriate to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the mayor and/or city council.
- (3) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board or commission, as well as the discussions or deliberations of the council, board, or commission which can or may lead to a vote or formal action by that body.
- (4) *Employee* means any person who is employed in a position by the city, any person who is employed part-time by any operating department of the city, and any person who is employed through a contractual agreement with the city.
- (5) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- (6) *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.
- (7) *Remote interest* means an interest of a person or entity, including a city official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.
- (8) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:
- a. The interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity;
  - b. The funds received by the person from the other person or entity during the previous 12 months either equal or exceed (a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or (b) ten percent of the recipient's gross income during that period, whichever is less;
  - c. The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or
  - d. The person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

(Ord. No. 2011-08, § 1, 4-11-2011)

## **Sec. 2-578. Prohibitions.**

- (a) No city official shall use such position to secure special privileges or exemptions for themselves or others, or to secure confidential information for any purpose other than official duties on behalf of the city.

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- (b) No city official, in any matter before the council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse themselves from such discussion or vote as applicable.
  - (c) No city official shall function as an agent or attorney for another in any matter before the city council or other city body.
  - (d) No city official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.
  - (e) No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.
    - (1) This prohibition shall not be applicable to the professional activities of the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.
    - (2) This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city manager or chief of police).
    - (3) Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the city council and the city clerk.
  - (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
  - (g) Public property shall be disposed of in accordance with state law.
  - (h) No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.
  - (i) If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city council and shall recuse themselves and take no further action on matters regarding the potential future employer.
  - (j) No city official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
  - (k) No city official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
  - (l) A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
  - (m) A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.
  - (n) A city official shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official shall attempt to obligate the city nor give the impression of obligating the city without proper prior authorization.
  - (o) No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefor.

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- (p) No city official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Cleveland, nor shall any city official engage in ex parte communication with a Municipal Court Judge of the City of Cleveland on any matter pending before the Municipal Court of the City of Cleveland.

(Ord. No. 2011-08, § 1, 4-11-2011; (Ord. No. 2026-01, 6-15-2026))

**Sec. 2-579. Financial interest.**

- (a) A member of the mayor and council may not:
- (1) Have a direct or indirect financial interest that conflicts with his responsibilities and duties as a trustee for the public good;
  - (2) Either directly or indirectly engage in financial transactions as a result of or primarily relying upon information obtained in the course of his office or received due to his position.
- (b) A member of the mayor and council shall be deemed to have a financial interest in transactions involving the following:
- (1) Any person in the member's immediate family;
  - (2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits;
  - (3) Any business in which the member of the mayor and council is director, officer, employee, agent, or shareholder.

(Ord. No. 2011-08, § 1, 4-11-2011; Ord. No. 2026-01, 6-15-2026)

**Sec. 2-580. Conflict of interest.**

- (a) A city official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.
- (b) A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.
- (c) Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official may participate in the vote or decision and need not disclose the interest.

(Ord. No. 2011-08, § 1, 4-11-2011)

**Sec. 2-581. Complaint hearings.**

- (a) The Municipal Court of the City of Cleveland shall hear and render decisions on all proper verified complaints filed under this article.

(Ord. No. 2011-08, § 1, 4-11-2011)

**Sec. 2-582. Receipt of complaints.**

- (a) All complaints against city officials shall be filed with the city clerk, who will give it to the municipal court judge, who may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a

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memorandum of complaint in such form as may be prescribed by the city council or the municipal court judge. Upon receipt of a complaint in proper form, the municipal court judge shall forward a copy of the complaint to the city official or officials charged in the complaint within no more than seven calendar days.

- (b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this article.
- (c) Upon receipt of a complaint in proper form, the municipal court judge shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the city council. The municipal court judge is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council; provided, however, that a rejection of such complaint by the municipal court judge shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the municipal court judge is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.
- (d) Upon completion of its investigation of a complaint, the municipal court judge is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the city council; provided, however, that a rejection of such complaint by the municipal court judge shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.
- (e) The municipal court judge is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (f) The municipal court judge is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.
- (g) Findings of the municipal court judge shall be submitted to the city council for action.

(Ord. No. 2011-08, § 1, 4-11-2011)

### **Sec. 2-583. Service of complaint.**

The city clerk or municipal court judge as appointed herein set forth shall cause the complaint to be served on the city official charged as soon as practicable but in no event later than seven calendar days after receipt of a proper, verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery. A hearing shall be held within 60 calendar days after filing of the complaint. The municipal court judge shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the municipal court judge shall be rendered to mayor and council within seven calendar days after completion of the final hearing. At any hearing held by the municipal court judge, the city official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official subject to the inquiry shall also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the article shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the municipal court judge or the city council to act upon any complaint.

(Ord. No. 2011-08, § 1, 4-11-2011)

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**Sec. 2-584. Right to appeal.**

- (a) Any city official or complainant adversely affected by the findings or recommendations of the municipal court judge may obtain judicial review of such decision as provided in this section.
- (b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of White County within 30 days after the decision of the municipal court judge. The filing of such application shall act as supersedeas.

(Ord. No. 2011-08, § 1, 4-11-2011)

**Sec. 2-585. Penalty.**

Any person violating any provision of this article is subject to one of the following or a combination thereof:

- (1) Written notification and warning by a majority of the mayor and city council;
- (2) The requirement to attend and successfully complete ethics training and classes;
- (3) Public reprimand or censure by the city council;
- (4) A fine up to \$600.00;
- (5) Request for resignation by the city council.

(Ord. No. 2011-08, § 1, 4-11-2011; Ord. No. 2019-11, 11-12-2022)

**Secs. 2-586—2-621. Reserved.**

**ARTICLE IX. FLAG CODE**

**Sec. 2-622. Establishment of code.**

- (a) *National anthem; star-spangled banner.* The composition consisting of the words and music known as The Star-Spangled Banner is designated the national anthem of the United States of America.
- (b) *Conduct during playing.* During the rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Men not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should render the military salute at the first note of the anthem and retain this position until the last note. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.
- (c) *Pledge of allegiance to the flag; manner of delivery.* The Pledge of Allegiance to the Flag, "I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all," should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.
- (d) *Time and occasions for display.*

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- (1) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.
  - (2) The flag should be hoisted briskly and lowered ceremoniously.
  - (3) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.
  - (4) The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, the third Monday in February; Easter Sunday (variable); Mother's Day, the second Sunday in May; Armed Forces Day, the third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, the first Monday in September; Constitution Day, September 17; Columbus Day, the second Monday in October; Navy Day, October 27; Veteran's Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of states (date of admission); and on state holidays.
  - (5) The flag should be displayed daily on or near the main administration building of every public institution.
  - (6) The flag should be displayed in or near every polling place on election days.
  - (7) The flag should be displayed in or near every schoolhouse.
- (e) *Position and manner of display.* The flag, when carried in a procession with another flag, should be either on the marching right (that is, the flag's own right) or, if there is a line of other flags, in front or the center of that line.
- (1) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (e)(9) of this section.
  - (2) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.
  - (3) No other flag or pennant should be placed above, or if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal to, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any territory or possession thereof, provided that nothing in this section shall make unlawful the continuance of practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.
  - (4) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.
  - (5) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of states or localities or pennants of societies are grouped and displayed from staffs.

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- (6) When flags of state, cities, or localities, or pennants of societies are flown on the same halyard with flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.
  - (7) When flags of two or more nations are displayed, they are to be flown from separate staffs off the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.
  - (8) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the windowsill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half-staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.
  - (9) When displayed either horizontally or vertically against a wall, the union should be uppermost and the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.
  - (10) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or the east in a north and south street.
  - (11) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag displayed should be placed on the left of the clergyman or speaker or to the right of the audience.
  - (12) The flag should form a distinctive feature of the ceremony of unveiling a statute or monument, but it should never be used as the covering of the statute or monument.
  - (13) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day, the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States government and the governor of a state, territory, or possession as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the national flag shall be flown at half-staff. The flag shall be flown at half-staff 30 days from the death of the President or former President; ten days from the day of death of the Vice-president, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice-president, or the governor of a state, territory, or possession; and the day of death and the following day for a member of Congress. The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. The flag will be flown at half-staff for one hour before the memorial service through the conclusion of the memorial service for those county, City of Cleveland and City of Helen employees killed in the line of duty. On those other occasions when an active employee dies, whether at work or not, a wreath will be placed at the base of the flagpole located in front of each governing authority's office. As used in this subsection:
    - a. The term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff;

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- b. The term "executive department" means the Department of State, Treasury, Defense, Justice, Interior, Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, or Veterans Affairs;
  - c. The term "military department" means the Department of the Army, Navy, or Air Force; and
  - d. The term "member of Congress" means a Senator, a Representative, a Delegate, or the Resident Commissioner for Puerto Rico.
- (14) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.
- (15) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.
- (f) *Respect for flag.* No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, state flags, and organization or institutional flags are to be dipped as a mark of honor.
- (1) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.
  - (2) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.
  - (3) The flag should never be carried flat or horizontally, but always aloft and free.
  - (4) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.
  - (5) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
  - (6) The flag should never be used as a covering for a ceiling.
  - (7) The flag should never have placed upon it, nor on any part of it, not attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.
  - (8) The flag should never be used as a receptacle for receiving, holding, caring, or delivering anything.
  - (9) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.
  - (10) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firefighters, police officers, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel pin, being a replica, should be worn on the left lapel near the heart.
  - (11) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

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- (g) *Conduct during hoisting, lowering or passing of the flag.* During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present, except those in uniform, should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.
- (h) *Flag presentation.* Presentation of the flag during a ceremony should be preceded by a brief talk emphasizing the importance of the occasion. Following the presentation all present should salute the flag, recite the pledge of allegiance, and sing the national anthem.
- (i) *Folding the flag.*
- (1) Two persons, facing each other, hold the flag waist high and horizontally between them.
  - (2) The lower striped section is folded, lengthwise, over the blue field. Hold bottom to top and edges together securely.
  - (3) Fold the flag again, lengthwise, folded edge to open edge.
  - (4) A triangular fold is started along the length of the flag, from the end to the heading by bringing the striped corner of the folded edge to meet the open edge.
  - (5) The outer point is turned inward parallel with the open edge, forming a second triangle.
  - (6) Repeat the triangular folding until the entire length of the flag is folded.
  - (7) When the flag is completely folded, only the triangular blue field should be visible.

(Res. of 1-4-2000)