

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1951 SESSION [Volume 1]**

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Sequential Number: 131

Short Title: HEALTH BOARD IN CERTAIN COUNTIES.

Law Number: No. 384

Origin: (Senate Bill No. 204).

Full Title: An Act to amend an Act approved March 20, 1943 (Ga. Laws of 1943, pp. 371-385) as heretofore amended, to provide that such amendment shall apply to all counties having a population of 300,000 or more; to provide that certain provisions of the Act hereby amended shall not apply to such counties: To create and provide for the membership, duties, functions, powers and jurisdiction of boards of health in such counties; to provide for the fiscal support of such boards of health and the activities conducted by them; to provide for fixing the annual budget of such boards of health; to provide for referenda in such counties on the Ellis Health Law; to provide for the performance of health functions and the supplying of health services in municipalities of 300,000 or more located

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partly in such counties and partly in other counties; to provide for the enforcement of rules and regulations promulgated by such boards of health by criminal penalties, injunction and the abatement of nuisances; to provide professional legal assistance for such boards of health; and for other purposes.

Be it enacted by the General Assembly of Georgia and it is hereby enacted by authority of the same as follows:

Section 1. The Act approved March 20, 1943, published in Georgia Laws of 1943, beginning at page 371, relating to county boards of health and related matters, is hereby amended by adding thereto the following sections to be numbered Section 13 et seq.

[Sidenote: Act of 1943 amended.]

"Section 13. In all counties of the State of Georgia having a population of 300,000 or more according to the United States census of 1950, or any future United States census, all of the sections of the Act which is hereby amended (Acts of 1943, pp. 371-385) except Sections 1, 4, 5, and 7 (Sections 88-201, 88-206, 88-301, and 88-313, Georgia Code of 1933, as amended) shall apply. Sections 1, 4, 5, and 7 of said Act (Sections 88-201, 88-206, 88-301 and 88-313, Georgia Code of 1933, as amended) shall not apply in such counties. In all of such counties the following provisions shall govern."

[Sidenote: Code sections.]

"Section 14. There is hereby created for each such county a county board of health composed of six persons (or seven persons in those such counties in which the largest city located wholly or partially therein has or shall have an independent school system). Four persons shall be members of such board by virtue of their offices, to wit: the county superintendent of schools, the chairman of the board of commissioners of roads and revenues of the county, or in counties having no such board, the ordinary, the mayor or corresponding officer of said largest city, and, in those counties in which the largest city has an independent school system, the superintendent of schools of such city. Any such ex officio

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member may decline to serve and appoint in his place some other person to serve as a regular member of such board. Any such substitute member shall serve for the duration of the term of the ex officio member of said board unless he is removed at the discretion of the ex officio member making or entitled to make such appointment. No member, except those who are members ex officio, shall hold any other public office. The remaining three members shall be appointed as follows: One member shall be appointed by the governing authority of the largest city and may or may not be a member of said governing authority. One member shall be appointed by the board of commissioners of roads and revenues of said county or, if no such commissioners, the ordinary, and may or may not be a member of such board of commissioners. The additional member shall be elected by the grand jury of the county. Such member to be elected by the grand jury shall be a reputable physician, preferably having a background in public health, who shall be elected from a list, submitted by the county medical society, of physicians residing anywhere in the county, provided, however, that if in said county there is no organized medical society affiliated with the American Medical Association, said list shall be submitted by a committee of physicians appointed by the grand jury. The terms of office of said three members shall be four years or until their successors are appointed and qualify. All vacancies shall be filled by the same method as above set forth for the election of such members, and members elected to fill vacancies shall hold office for the remainder of the term and until their successors are elected and have qualified. Vacancy elections to be held by the grand jury shall be held by the grand jury in session at the time the vacancies occur and, if not held by such grand jury, shall be held by any succeeding grand jury. Each member of said county boards of health, whether ex officio or appointed as herein provided, shall have a certificate of membership on such board signed by the Director of the Georgia Department of Public Health and shall take the oath of office usually administered to other county officers before assuming the duties of the office. The clerk of the superior court of the county

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shall promptly certify, under seal, to the Director of the Georgia Department of Public Health, the names of the county school superintendent and the chairman of the board of commissioners of roads and revenues or ordinary or the names of members appointed by such ex officio members, the member appointed by said board of commissioners or ordinary and the name of the member appointed to the board by the grand jury, together with the dates of beginning and

expiration of their terms of office. The city clerk of the largest city in any such county shall certify, under seal, the names of the superintendent of the independent school system of said largest city and the mayor or corresponding officer of said largest city or the names of members appointed by such ex officio members, and the name of the member of said board elected by the governing authority of said city, together with the dates of beginning and expiration of their terms."

[Sidenote: County board of health.]

[Sidenote: Members.]

"Section 15. In such counties the county boards of health shall have supervision over all matters relating to health and sanitation therein, with authority to declare and enforce quarantine therein subject to the provisions of law. Such boards of health shall have authority to pass rules and regulations which shall apply to persons and premises within the limits of any city or town, or other area having a density of population comparable to that of a city or town whether incorporated or not, and which may or may not apply to persons or premises in less densely populated or rural areas, as well as regulations which shall apply only to persons or premises in sparsely populated or rural areas which may or may not apply to persons or premises in cities or towns of densely populated areas."

[Sidenote: Powers and duties.]

"Section 15 (a). The said board of health shall assume supervision and control over the sanitary conditions of all slaughter houses, meat and meat food products, milk and its by-products, in such counties and shall have the power and authority to make such inspections of sources of supply wherever located. As far as practicable the standards recognized and approved by the United

States Department of Agriculture and the United States Public Health Service for such meat and meat food products, milk and milk products, shall be adopted.

"The said board of health shall render inspection services and enforcement at least equal to that furnished by any city lying wholly or partly within the county prior to the organization of said Board of Health for all meat and meat food products, milk and milk by-products and all other food.

"The said Board of Health shall have power to adopt all rules and regulations necessary and appropriate to make effective the powers herein conveyed.

"Section 16. In all such counties, all costs and expenses necessary and proper for carrying out the provisions of Chapters 88-2 and 88-3 of the Georgia Code of 1933, as amended, insofar as such provisions shall be applicable to such counties, shall be paid out of the county treasury, and from funds of the Georgia Department of Public Health which may be appropriated by the General Assembly of Georgia, or allotted by the Federal Government or other agencies as grants-in-aid."

[Sidenote: Costs and expenses.]

"Section 17. In all such counties it shall be the duty of the board of health of each county at its June meeting in each year or other meetings when necessary to determine and fix the sum of money it deems necessary or expedient for the operation of a department of public health in the county for the ensuing year, and they shall certify such amount to the board of commissioners of roads and revenues or other proper taxing authorities of the county, and the proper taxing authority of the county shall levy a tax rate sufficient to raise the amount fixed upon and assessed by the county board of health, at the same time and in the same manner as is prescribed for levying taxes for other county purposes. If the said taxing authorities fail to make such levies then these amounts shall be paid out of the fund levied for paying other lawful expenses of the county or from funds not otherwise appropriated. Said county board of health

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shall then apply to the Director of the Georgia Department of Health for advice and assistance in establishing or maintaining a public health department in and for said county."

"Section 18. The provisions of Sections 88-303 to 88-305, inclusive, and 88-308 to 88-312, inclusive, of the Georgia Code of 1933, as amended, shall become operative in all such counties on January 1, 1952. After the county board of health shall have remainder in operation in any such county for a period of at least two years, it may be suspended in the county by vote of the people as hereinafter provided. When as many as 1/5 of the residents of the county, qualified to vote for members of the General Assembly, shall have filed a written petition with the ordinary of the county, asking said ordinary to call an election for the purpose of determining whether the Ellis Health Law shall be suspended in said county, it shall be the duty of the ordinary within sixty days from the date of the filing of said petition to call an election for the purpose of submitting the said issue to the qualified voters of the county. The ordinary shall give notice of said election by publishing the same at least once in the official county organ thirty days before the date of the election. The ordinary shall have the authority to appoint election managers for the purpose of holding said election in the various precincts and the expenses of said managers and the other expenses of the elections shall be paid out of the general funds of the county. The ordinary shall prepare the ballots or provide for the use of voting machines where legal and their use is practicable and on each ballot or voting machine shall be printed the words, "For the Ellis Health Law" and "Against the Ellis Health Law." The ordinary shall consolidate the returns and so declare the results. Should a majority of the qualified voters voting in said election vote "Against the Ellis Health Law," then said result shall be declared by the ordinary and the operation of the Ellis Health Law shall be suspended in said county on December 31 of the year in which said election is held."

[Sidenote: Ellis Health Law; referendum.]

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"Section 19. All of the power, authority, duties and responsibilities of county boards of health in such counties, whether derived from this Act or any other existing law, shall be exercised and

discharged throughout the entire area of such counties both inside and outside of the corporate limits of municipalities located in whole or in part therein."

[Sidenote: Jurisdiction.]

"Section 20. The first members of the boards of health, constituted as provided in Section 14, above, shall be appointed by June 1, 1951, and they shall have the authority to organize, certify the amount fixed as provided in Section 17, above, for the ensuing year, and take any other action that may be necessary or desirable so that they will be in position to assume the powers, duties and responsibilities contemplated by this amended Act without delay on January 1, 1952. Their terms of office shall, however, be computed from January 1, 1952. Except as otherwise provided in this section or elsewhere herein, this amending Act shall go into effect on January 1, 1952 as to any counties to which it applies according to the U.S. census of 1950.

[Sidenote: Operative, when.]

"(a) As of any other counties to which it may become applicable according to any future census, the first year after the year in which said census is taken shall correspond to the year 1951, where such year is stated herein, and the following year shall correspond to the year 1952."

"Section 21. The county attorney or law department of all such counties is hereby directed to furnish whatever professional legal assistance may be needed by the county board of health or other authority for the enforcement of this Act by any of the means authorized by law."

[Sidenote: Legal assistance.]

"Section 22. Any person, firm or corporation violating any provision of this Act or any regulation, rule or order of the county board of health, lawfully issued, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to fine or imprisonment, or both, as provided by law in misdemeanor cases."

[Sidenote: Violations.]

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"Section 23. Every violation of any provision of this Act or of any regulation, rule or order of the county board of health, lawfully issued, shall be deemed a nuisance and a continuing nuisance so long as any such violation may continue, and such violation shall be subject to abatement as a nuisance as provided by law."

[Sidenote: Nuisances.]

"Section 24. The provisions of this Act and all regulations, rules and orders of the county board of health, lawfully issued, shall be subject to enforcement by the county board of health, or by the county or appropriate county authority or by the governing body of any municipality in any such county by injunction. This authority is cumulative and is not to be construed as curtailing any right to bring any proper action for the enforcement of the provisions of this Act and the regulations, rules and orders of the county board of health."

[Sidenote: Enforcement.]

"Section 25. If any part of this Act shall be declared unconstitutional for any reason, it is the intention of the General Assembly that the remaining portions shall nevertheless be valid and of full force and effect."

Section 2. In any case where a municipality having a population of 300,000 or more, according to the United States census of 1950 or any future United States census, is located partly in any county to which this Act applies and partly in another county, the board of health or similar agency of each such county shall, notwithstanding any law heretofore passed to the contrary, perform the public health functions and render the public health services contemplated by the public health laws in this State in that part of such municipality located therein.

Section 3. Be it further enacted that all laws or parts of laws in conflict herewith are hereby repealed.

Approval Date: Approved February 21, 1951.