

**FULTON COUNTY CODE OF ORDINANCES AND CODE OF RESOLUTIONS**

**CHAPTER 34 - HEALTH AND SANITATION**

**ARTICLE II – BOARD OF HEALTH**

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**TABLE OF CONTENTS**

Sec. 34		Page
	31 Definitions	3
	32 Established; composition; membership; terms; vacancies	3
	33 Duties	4

## ARTICLE II BOARD OF HEALTH\*

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\*State law reference(s) County boards of health. O.C.G.A. ' 31-3-1 et seq.

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### **Sec. 34-31. 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:

*Board of health* means the Board of Health of Fulton County, Georgia.

*Board of commissioners* means the Fulton County Board of Commissioners, Georgia.

*Department* means the Fulton County Department of Health and Wellness or its authorized representative(s).

*Person* means any individual, permit holder, owner, partnership, corporation, or association, and may extend and apply to bodies including governmental agencies.

### **Sec. 34-32. Established; composition; membership; terms; vacancies.**

(a) *Board of health.* There is hereby created and established a board of health in this county, which shall consist of seven members who are selected as follows:

(1) *Membership.* The membership of the board of health shall be comprised of the following persons:

- A. The county superintendent of schools shall serve, or designate a person to serve;
- B. The chairman of the board of commissioners shall serve, or designate a person to serve;
- C. The superintendent of schools of the largest municipality, by population, located wholly or partially within the county shall serve, or designate a person to serve;
- D. The mayor of the largest municipality, by population, located wholly or partially within the county, shall serve, or designate a person to serve;
- E. The board of commissioners shall appoint a person to serve who is not a member of the board of commissioners;

**Sec. 34-32. Established; composition; membership; terms; vacancies, cont.**

- F. The governing authority of the largest, by population, municipality located wholly or partially within the county, shall appoint a person to serve who is not a member of that governing authority; and
- G. The grand jury of the county shall appoint a reputable physician to serve, preferably having a background in public health.

The member appointed by the board of commissioners shall be the chairman of the board of health.

- (2) *Terms of office.* The county superintendent of schools, the chairman of the board of commissioners, the superintendent of the largest independent school system and the mayor of the largest city shall each serve a term as member of the board of health concurrent with the term of the office of that official, and any person designated by such official shall serve a term concurrent with the term of the office of the appointing official. The appointing official may remove a designated person so appointed at any time and within the sole discretion of the appointing official. The remaining three members of the board shall serve four-year terms. The initial term of office of those three members, however, shall be the following: the term of the member appointed by the board of commissioners shall expire on December 31, 2008; the term of the member appointed by the largest municipality shall expire on June 30, 2007; and the term of the physician appointed by the county grand jury shall expire on December 31, 2007. Each member appointed after the expiration of such initial terms shall serve for a full term of four years.
- (3) *Vacancies.* Any vacancy on the board of health, occurring other than at the expiration of the term, shall be filled for the un-expired portion thereof by the designated appointing body that made the original appointment. Members of the board of health whose terms have expired shall remain in office and continue to serve either until reappointed or until their successors have been appointed.

(91-RC-166, 5-1-91)

**State law reference(s)**--Authority to so provide, O.C.G.A.' 31-3-2.1(b).

**Sec. 34-33. Duties.**

- (a) *Supervision/authority.* The county board of health shall have supervision over all matters relating to health and sanitation within the county, with authority to declare and enforce quarantine therein, subject to the provisions of law.
- (b) *Geographic limits of power.* All the power, authority, duties, and responsibilities of the county

**Sec. 34-33. Duties, (cont.)**

board of health shall be exercised and discharged throughout the entire area of the county, both inside and outside of the corporate limits of municipalities located in whole or in part therein.

- (c) *County attorney assistance.* The county attorney or law department shall furnish whatever professional legal assistance may be needed by the county board of health or other authority for the enforcement of these powers of the board of health by any of the means authorized by law.
- (d) *Authority to adopt rules.* The governing authority of the county shall be authorized to adopt a system of rules, regulations, articles and orders that may be based on recommendations by the county board of health. Such rules, regulations, articles and orders, when adopted, shall be recorded on the minutes of the governing authority of the county, and a certified copy thereof shall be furnished to the department.
- (e) *Certificate of attestation.* The certificate of attestation of the chairman or any other member of the board of health shall give sufficient validity or authenticity to any copy or transcript of any record, document, paper, or file or other matter or thing in the office of the chairman or other member of pertaining thereto to admit the same in evidence.
- (f) *Board of health authority/misdemeanor.* The board of health shall not have authority to provide the rules, regulations, articles or orders to carry out its powers and duties but shall use rules, regulations, and orders adopted by the governing authority of the county and spread upon its minutes. The violation of any such rule, regulation, article or order is declared to be a nuisance, per se, and shall be subject to be abated as a nuisance, or enjoined as such. The violation of any such rules, regulations, articles or orders is declared to be a misdemeanor, and any person, upon conviction thereof in any court of competent jurisdiction, shall be punished as for a misdemeanor.

(91-RC-166,5-1-91)

State law reference(s) Similar provisions, O.C.G.A. ' 31-3-2.1(c); punishment for misdemeanors, O.C.G.A. ' 17-10-3.

**Secs. 34-34. B34-65. Reserved.**