

COPY

**STATE OF GEORGIA  
COUNTY OF CHEROKEE**

**ORDINANCE NO. 2006 - 11 -**

**BE IT ORDAINED** by the Cherokee County Board of Commissioners and it is hereby enacted pursuant to the authority of the same that the following shall become known as an amendment to the Code of Ordinances of Cherokee County:

**Chapter 2 – ADMINISTRATION – Article 4 – Section 2-81**

A. This chapter shall be known and may be cited as the "Cherokee County English Language Ordinance."

**SECTION 2. – FINDINGS AND DECLARATION OF PURPOSE**

The People of Cherokee County find and declare:

A. That the English language is the common language of Cherokee County, of the State of Georgia and of the United States.

B. That the use of a common language removes barriers of misunderstanding and helps to unify the people of Cherokee County, the State of Georgia, and the United States, and helps to enable the full economic and civic participation of all its citizens, regardless of national origin, creed, race or other characteristics, and thus a compelling governmental interest exists in promoting, preserving, and strengthening the use of the English language.

C. That proficiency in the English language, as well as in languages other than the English language, benefits Cherokee County both economically and culturally and should be encouraged.

D. That, in addition to any other ways to promote proficiency in the English language, the government of Cherokee County can promote proficiency in English by using the English language in its official actions and activities.

E. That in today's modern society, Cherokee County may also need to protect and preserve the rights of those who speak only the English language to use or obtain governmental programs and benefits.

F. That the government of Cherokee County can reduce costs and promote efficiency in its roles as employer and as a government of the people, by using the English language in its official actions and activities.

**SECTION 3. – OFFICIAL ENGLISH DECLARATION**

A. The English language is the official language of Cherokee County.

B. The Cherokee County Board of Commissioners shall take all steps necessary to insure that the role of English as the common language of Cherokee County is preserved and enhanced.

C. The government of Cherokee County shall make no policy that diminishes or ignores the role of English as the common language of Cherokee County.

D. Official actions of Cherokee County that bind or commit Cherokee County or that give the appearance of presenting the official views or position of Cherokee County shall be taken in the English language, and in no other language. Unofficial or non-binding translations or explanations of official actions may be provided separately in languages other than English, if they are appropriately labeled as such and reference is made to a method to obtain the official action; unless otherwise required by federal law or the law of the State of Georgia, no person has a right to such an unofficial or non-binding translation or explanation, and no liability or commitment of Cherokee County shall be based on such a translation or explanation.

E. No ordinance, decree, program, or policy of Cherokee County or any of its departments, offices or agencies shall require the use of any language other than English for any documents, regulations, orders, transactions, proceedings, meetings, programs, or publications, except as provided in Section 4.

F. A person who speaks only the English language shall not be deemed ineligible to participate in any programs, benefits and opportunities, including employment, solely because the person speaks only the English language, except when required to speak another language as provided in Section 4.

G. No law, ordinance, decree, program, or policy of Cherokee County or any of its departments, offices or agencies shall penalize or impair the rights, obligations or opportunities available to any person solely because a person speaks only the English language.

#### **SECTION 4. – EXCEPTIONS**

Cherokee County and its departments, offices or agencies may use a language other than English for any of the following purposes, whether or not the use would be considered part of an official action:

A. To teach or encourage the learning of languages other than English.

B. To protect the public health or safety.

C. To teach English to those who are not fluent in the language.

D. To comply with the Native American Languages Act, the Individuals with Disabilities Education Act, the Voting Rights Act, or any other federal law or law of the State of Georgia.

E. To protect the rights of criminal defendants and victims of crime.

F. To promote trade, commerce, and tourism.

G. To create or promote mottos or designations, inscribe public monuments, and perform other acts involving the customary use of a language other than English.

H. To utilize terms of art or terms or phrases from other languages which are commonly used in communications otherwise in English.

#### SECTION 5. – PRIVATE USE PROTECTED

The declaration and use of English as the official language of Cherokee County should not be construed as infringing upon the rights of any person to use a language other than English in private communications or actions, including the right of government officials (including elected officials) to communicate with others while not performing official actions of Cherokee County.

#### SECTION 6. – INTERPRETATION


Nothing in this ordinance shall be interpreted as conflicting with the statutes of the United States, or the laws of the State of Georgia. Any previous ordinances or resolutions of Cherokee County relating to this Ordinance are hereby repealed.

#### SECTION 7. – SEVERABILITY

If any part or provision of this Chapter, or the applicability of any provision to any person or circumstance, is held to be invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby and shall be given effect to the fullest extent practicable.

ADOPTED THIS 5<sup>th</sup> DAY OF December, 2006.

**CHEROKEE COUNTY BOARD OF COMMISSIONERS**

  
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**J. Michael Byrd, Chairman**

**Attest:**

  
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**Sheila R. Corbin, County Clerk**