

## **AN ORDINANCE**

**THE MAYOR AND BOARD OF ALDERMEN DO HEREBY ORDAIN THAT CHAPTER 54 OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CITY OF ACWORTH, GEORGIA, CODE OF ORDINANCES IS HEREBY AMENDED.**

### **Section 1:**

**Amending Chapter 54 Offenses and Miscellaneous Provisions of the City of Acworth, Georgia, Code of Ordinances by adding Section 54-17, as follows:**

### ***ARTICLE I. IN GENERAL***

#### **Sec. 54-1. Use of tobacco in city facilities.**

It shall be unlawful for anyone to use tobacco products while inside any city facility, with such locations being clearly designated by no smoking signs.

#### **Sec. 54-2. Feeding ducks, birds, fowl in parks, cemeteries.**

The city authorizes the city manager to cause to be erected signs in any city park or city cemetery prohibiting the feeding of ducks, birds and fowl. When such signs are posted, it shall be unlawful to feed any ducks, birds or fowl within such park or cemetery.

#### **Sec. 54-3. Camping and improper use of public places.**

(a) *Definitions.* For purposes of this section,

- (1) *Camp* shall mean residing in or using a public street, sidewalk, or park for private accommodations, such as erecting tents or other temporary structures or objects providing shelters; sleeping in a single place for any substantial prolonged period of time, regularly cooking or preparing meals; or other similar activities.
- (2) *Storing personal property* shall mean leaving one's personal effects, such as, but not limited to clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks or backpacks, unattended for any substantial prolonged length of time. This term shall not include parking a bicycle or other mode of transportation.
- (3) *Public park* includes all municipal parks, public playgrounds, public plaza, attractions, and monuments.
- (4) *Public street* includes all public streets, rights-of-way, highways and rights-of-way, public sidewalks, public benches, public parking lots, and medians.

(b) *Public parks.* It shall be unlawful to camp or to store personal property in any park, as defined above, owned by the city or property leased to the city by the United States Corps of Engineers of the city and operated as a city park.

(c) *Public streets.* It shall be unlawful to camp, to sleep, or to store personal property, to sit or to lie down on any public street as defined above.

- (d) *Other public property—Blocking ingress and egress.* It shall be unlawful to camp, to sleep, to store personal property, to sit or lie down on any public property so as to interfere with ingress or egress from buildings.
- (e) *Warning.* No person may be arrested for violating this Code section until he or she has received an oral or written warning to cease the unlawful conduct. If the violator fails to comply with the warning issued, he or she is subject to arrest for camping.
- (f) *Exceptions.* This Code section shall not be construed to prohibit the following behavior:
  - (1) Persons sitting or lying down as a result of a medical emergency;
  - (2) Persons in wheelchairs sitting on sidewalks;
  - (3) Persons sitting down while attending parades;
  - (4) Persons sitting down while patronizing sidewalk cafes;
  - (5) Persons lying down or napping while attending performances, festivals, concerts, fireworks, or other special events,
  - (6) Persons sitting on chairs or benches supplied by a public agency or abutting a private property owner;
  - (7) Persons sitting on seats in bus zones occupied by people waiting for the bus;
  - (8) Persons sitting or lying down while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event;
  - (9) Persons sitting or lying down while waiting in an orderly line awaiting entry to any building, including shelters, or awaiting social services, such as provisions of meals; or
  - (10) Children sleeping while being carried by an accompanying person or while sitting or lying in a stroller or baby carriage.

#### **Sec. 54-4. Loitering in public places.**

It shall be unlawful for any person, except the duly employed and authorized employees and agents of the city, or of its commissions or agencies, in the regular and necessary conduct and management of their employment, to be upon or to appear within any of the public parks, public areas and public buildings owned or controlled by the city or by any of its subsidiary agencies, commissions or boards, in an idling or loitering manner between the hours of 11:00 p.m. and 6:00 a.m., unless such person has a right to be upon and within such designated public places by virtue of a lawful admission, invitation or ticket to some activity or entertainment as authorized and then being carried on by the city, or by such subsidiary agency, commission or board of the city as may have control over such area, grounds and buildings. This section does not apply to public streets outside such designated places.

#### **Sec. 54-5. Begging and soliciting alms by accosting or forcing oneself upon the company of another.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Accosting* means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his/her person, or upon property in his/her immediate possession.

*Ask, beg or solicit* means and includes, without limitation, the spoken, written or printed word or such other acts conducted in furtherance of the purpose of obtaining alms.

*Forcing oneself upon the company of another* means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage of the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

- (b) *Exceptions.* Except when performed in the manner in subsections (d)(1) or (2) of this section, or in any of the locations set forth in subsections (c)(1)—(8) of this section, it shall not be unlawful to ask, beg, or solicit money or other things of value.
- (c) *Location.* It shall be unlawful for any person to solicit money or other things of value:
  - (1) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
  - (2) Within 15 feet of the entrance to or exit from any public toilet facility;
  - (3) Within 15 feet of an automatic teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
  - (4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
  - (5) In any public transportation vehicle, or in any bus station, or within 15 feet of any bus stop or taxi stand;
  - (6) From any operator of motor vehicle that is in traffic on a public street; provided however that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;
  - (7) From any person (s) who are waiting in line for entry to any building, public or private, including, but not limited to, any residence, business, or athletic facility; or
  - (8) Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business, or athletic facility.
- (d) *Manner.* It shall be unlawful for any person to solicit money or other things of value:
  - (1) By accosting another; or
  - (2) By forcing oneself upon the company of another.
- (e) *Persons who may press charges* under this Code section shall include not only the victim of the prohibited solicitation, but also any person who witness such conduct, including but not limited to police officers, and bystanders. Evidence to support conviction for violation of this Code section may include, but is not limited to testimony of such witness, videotape evidence of the violation, and/or other admissible evidence.

**Sec. 54-6. Lewd houses.**

It shall be unlawful for any person to maintain or keep a lewd house or place for the practice of fornication or adultery in the city.

**Sec. 54-7. Indecent exposure.**

No person shall knowingly expose his genitals under circumstances in which he knows that his conduct is likely to cause affront or alarm.

**Sec. 54-8. Theft or injury of city property.**

No person shall take, mar, deface, soil or in any manner injure, disturb or interfere with any city property.

**Sec. 54-9. Tampering with utility equipment, cable equipment, facilities.**

- (a) It shall be unlawful for any person (other than an authorized agent or employee of the city, a city board or a public utility company) to tamper with, connect to, disconnect from, mar, deface, damage, disturb or make any changes to or interfere with the electrical wiring, electrical equipment and meters, properties, cablenet wiring, cablenet equipment, facilities and properties owned, held or maintained by the city or such board or company, or to aid or abet another in such manner.
- (b) In addition to any such fine, the persons guilty shall be liable for restitution of the value of the goods or services wrongly taken or damaged as a result of such tampering or disturbance.
- (c) If the head of the power department determines that a property owner has obtained power in violation of this section, the owner's service may be disconnected. The city may withhold restoration of service after it is disconnected until all costs, restitution and fines are paid.
- (d) If the head of the cablenet department determines that a property owner has obtained cable or internet service in violation of this section, the owner's service may be disconnected. The city may withhold restoration of service after it is disconnected until all costs, restitution and fines are paid.

Cross reference(s)—Utilities, ch. 94Cross reference(s)—.

**Sec. 54-10. Disorderly conduct.**

A person commits the offense of disorderly conduct when such person commits any of the following:

- (1) Acts in a violent or tumultuous manner toward another person whereby such person is placed in reasonable fear of the safety of such person's life, limb, or health;
- (2) Acts in a violent or tumultuous manner toward another person whereby the property of such person is placed in danger of being damaged or destroyed;

- (3) Without provocation, uses to or of another person in such other person's presence, opprobrious or abusive words which by their very utterance tend to incite to an immediate breach of the peace, that is to say, words which as a matter of common knowledge and under ordinary circumstances will, when used to or of another person in such other person's presence, naturally tend to provoke violent resentment, that is, words commonly called "fighting words"; or
- (4) Without provocation, uses obscene and vulgar or profane language in the presence of or by telephone to a person under the age of 14 years which threatens an immediate breach of the peace. (O.C.G.A. § 16-11-39)

State law reference(s)—Offenses against public order and safety, O.C.G.A. § 16-11-1 et seq.

#### **Sec. 54-11. Profane and vulgar language.**

It shall be unlawful for any person to use any profane, obscene or vulgar language in the streets or in any other public place in the city.

#### **Sec. 54-12. Discharging firearms.**

It shall be unlawful for any person in the city to discharge any gun, pistol or other firearm. It shall be unlawful for any person in the city to discharge, at any time, any air gun, BB gun or toy gun which projects lead or any other missile in an unsafe manner which may cause harm to persons or property. This section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, nor to any citizen from lawfully discharging a firearm when defending person or property.

State law reference(s)—Dangerous instrumentalities and practices, O.C.G.A. § 16-11-100 et seq.

#### **Sec. 54-13. Slingshot, bow and arrow.**

It shall be unlawful for any person to use or shoot any slingshot or bow and arrow in the city in an unsafe manner which may cause harm to persons or property.

#### **Sec. 54-14. Throwing of missiles.**

It shall be unlawful for any person in the city to throw any stone, rock or other missile upon or at any vehicle, building, tree or other public or private property, or upon or at any person in any public or private way or place.

#### **Sec. 54-15. Spitting in public buildings.**

No person shall spit on the floors, walls or other parts of any public buildings in the city.

#### **Sec. 54-16. Disorderly house.**

- (a) A *disorderly house* is defined, as a place where a person keeps and maintains, either by himself or others, a common, ill-governed, and disorderly house, to the encouragement of gaming, drinking, or other misbehavior, or to the common disturbance of the neighborhood or orderly citizens, is guilty of a misdemeanor.

- (b) It shall be unlawful for any person to keep a disorderly house, where noisy or riotous persons assemble to the annoyance of citizens in the neighborhood.

State law reference(s)—O.C.G.A. § 16-11-44.

**Sec. 54-17. Fishing or jumping from roadway bridges.**

It shall be unlawful for persons to fish or jump from any bridge on a roadway designated for vehicular traffic within the city limits of Acworth.

*Section 2: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.*

*Section 3: All Ordinances in conflict with this Ordinance are hereby repealed.*

*Section 4: This Ordinance shall become effective upon passage by the Mayor and Board of Aldermen of the City of Acworth and signature of the Mayor subject to Georgia Laws 1983, page 4119.*

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Date

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Thomas W. Allegood, Mayor

Attest:

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Regina R. Russell, City Clerk