

CITY OF ELLIJAY  
STATE OF GEORGIA

ORDINANCE NO. 021516C

## AMENDMENT TO CODE OF ORDINANCES

### CITY OF ELLIJAY, GEORGIA

A RESOLUTION AND ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ELLIJAY, GEORGIA, IN ORDER TO AMEND SECTION 50-1 OF CHAPTER 50 FOR THE PURPOSES OF AMENDING THE DISORDERLY CONDUCTION PROVISION IN ORDER TO BETTER PROTECT AND IMPROVE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF ELLIJAY, GEORGIA.

WHEREAS, the duly elected governing authority of the City of Ellijay, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare and aesthetics of the citizens of the City of Ellijay, Georgia; and,

WHEREAS, The Mayor and Council of the City of Ellijay have previously adopted the Code of Ordinances, City of Ellijay, Georgia; and,

WHEREAS, the City of Ellijay desires to amend its Code of Ordinances to amend the Disorderly Conduct provision of Chapter 50;

WHEREAS, it is requisite and proper for the security, welfare, health, and safety of the citizens of the City of Ellijay, Georgia, that the following provisions be adopted and authorized; and,

WHEREAS, the Mayor and Council of the City of Ellijay wish to modify and amend the Code of Ordinances;

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED** by the City Council of Ellijay, Georgia, and the council of the City of Ellijay hereby ordains that:

### SECTION 1

Section 50-1, Article I, Chapter 50 of the Code of Ordinances of the City of Ellijay, Georgia shall be deleted in its entirety and the following shall be substituted in its place:

It shall be unlawful for any person within the corporate limits of the city to violate any of the

following provisions of this section:

- (1) Any person who shall act in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health;
- (2) Any person who shall act in violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
- (3) Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct as so to endanger the life, limb, health or property of another;
- (4) Any person who shall assemble or congregate with one or more persons for the purpose or with the intent in gaming. Gaming shall be an agreement between two or more to risk money or property on a contest or chance of any kind, where one must be loser and the other gainer;
- (5) Any person who shall frequent any public place with intent to obtain money from other persons by illegal and fraudulent schemes, artifices or devises;
- (6) Any person who assembles for the purpose of engaging in any fraudulent scheme, devise or trick to obtain any valuable thing in any place or from any person in the city or who shall aid or abet therein;
- (7) Any person who shall accost or force his company upon any person;
- (8) Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages, narcotics or dangerous drugs is practiced, allowed or tolerated;
- (9) Any person who shall use fighting words directed towards any person who becomes outraged and thus creates a turmoil;
- (10) Any person who shall by acts of violence interfere with another's pursuit of a lawful occupation;
- (11) Any person who shall congregate with one or more persons in or on any public way so as to halt the flow of vehicular or pedestrian traffic and who refuses to clear such public way when ordered by the city police or other lawful authority;
- (12) Any person who shall disrupt, by excessive noise or disorderly actions, the undisturbed activities of any institution of learning, house of worship or any hospital;
- (13) Any person who shall throw any bottle, paper, can, glass, stick, stone, missile or any other debris on public property;
- (14) Any person who shall commit an act of public indecency tending to debauch the morals of any person;
- (15) Any person who shall be found in a state of drunkenness or intoxication upon the public rights-of-way, city or other publicly owned property or any public park;
- (16) Any person who commits any act against public safety, morality and decency, or who exhibits any other conduct that is manifestly disorderly that tends to disturb other persons anywhere in the city.

## **SECTION 2**

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the

Absent  
Al Fuller

Kathryn Lancey  
Kathryn Lancey

David Westmoreland  
David Westmoreland

Lynelle Stewart  
Lynelle Stewart

Ruth Caudell  
Ruth Caudell

valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

### **SECTION 3**

Penalties for a violation of current Code of Ordinances sections applicable to the amendment described herein in effect upon the adoption date of this ordinance are adopted herein as if completely set out herein.

### **SECTION 4**

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

### **SECTION 5**

Nothing in this ordinance or in the ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as city in Section 4 herein; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

### **SECTION 6**

This Resolution and Ordinance shall become effective on February 15, 2016.

This Resolution and Ordinance is hereby adopted on this date, it being so ordained  
this 15 day of February, 2016.

Al Hoyle  
Al Hoyle, Mayor

ATTEST:

Sharon Spivey, Clerk  
Sharon Spivey, City Clerk

