

# **TITLE XIII**

## **GENERAL OFFENSES**

### **Chapter 130**

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#### **§ 130.01 DISORDERLY CONDUCT**

It shall be unlawful for any person to commit the offense of disorderly conduct. A person commits the offense of disorderly conduct when such person commits any of the following:

- (A) 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;
- (B) 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;
- (C) 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 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 (such words being commonly called "fighting words"); or, without provocation, uses obscene or 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;
- (D) Public Intoxication.  
Any person(s) who are drunk or under the influence of liquor, wine or beer or any other alcoholic beverage or any narcotic drug on the streets or in any public place or building or any assembly of people or on private property other than that of such drunk or intoxicated person;

(E) Indecent Language.

Use of indecent, profane or vulgar language by any person(s) on the streets or in any other public place or in any public gathering;

(F) Inappropriate Congregation.

Assemblage or congregation for the purpose of violating or with the intent to violate the gaming, alcoholic beverages or narcotics laws of this state and to do any act pursuant thereof;

(G) Illegal/fraudulent schemes, etc.

Any person(s) who frequents any public place with intent to obtain money from any other person(s) by illegal and fraudulent schemes, tricks, artifices or devices;

(H) Deliberate obstruction of the flow of vehicular and/or pedestrian traffic.

The congregation of people with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and to refuse to clear such way when ordered to do so by a police officer or other lawful authority; or,

(I) Property Damage.

The act by any person(s) in a violent or tumultuous manner towards another whereby the property of any person is placed in danger of being destroyed or damaged.

(Ord. Passed 11/26/13)

**§130.02 DISORDERLY HOUSE**

No person shall keep, maintain or allow, either alone or with others, a disorderly house whereby riotous and/or boisterous persons assemble in such a manner that causes the annoyance of the citizens of the county; or, where gaming, drinking or other misbehavior results in the common disturbance of the neighborhood or orderly citizens.

(Ord. Passed 11/26/13)

**§ 130.03 DRINKING IN PUBLIC**

It shall be unlawful for any person to consume any spirituous malt or alcoholic beverage in or upon any street, alley, sidewalk, or other public way or place in the city, or within any public building; unless, such activity is specifically authorized by separate ordinance, license or permit.

(Ord. Passed 11/26/13)

**§ 130.04 POSSESSION OF OPEN CONTAINER OF ALCOHOL OR MISDEMEANOR POSSESSION OF MARIJUANA IN PUBLIC**

It shall be unlawful for any person to possess any open container of alcohol or be in possession of marijuana in such an amount as to constitute a misdemeanor (i.e., less than 1 ounce) in any public area. There may be authorized exceptions that may allow for the possession of open containers of alcohol as set forth by separate ordinance, license or permit.

(Ord. Passed 11/26/13)

**§ 130.05 POSSESSION OF ALCOHOL, OR MISDEMEANOR POSSESSION OF MARIJUANA BY PERSON UNDER 21**

It shall be unlawful for any person under the age of 21 to possess any alcohol or to be in possession of marijuana in such an amount as to constitute a misdemeanor (i.e., less than 1 ounce).

(Ord. Passed 11/26/13)

**§ 130.06 LOITERING AND PROWLING**

It shall be unlawful for any person to loiter, loaf, wander, stand, remain idle, prowling either alone and/or in consort with others, in a public place in such manner as to:

- (A) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding, or tend to hinder or impede, the free and uninterrupted passage of vehicles, traffic or pedestrians.
- (B) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon, facing, or fronting on any such public street, public highway, public sidewalk or any other public place or building all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.
- (C) Be in a place or location at a time or in a manner not usual for law-abiding individuals under circumstances that results in a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.
- (D) A failure to comply with the orders and directions of law enforcement officers shall also constitute a violation of this section. Specifically, when any law enforcement officer shall order/direct any person to stop causing or committing such conditions that constitute loitering and/or prowling and to move on or disperse, then if said person(s) fails or refuses to obey such orders then said person shall be guilty of violating this section.  
(Ord. Passed 11/26/13)

**§ 130.07 ABANDONMENT OF MOTOR VEHICLES**

It shall be unlawful for any person to abandon or to leave unattended any vehicle of any type on any street, road, alley, or on/in any other public area for such time and under such circumstances as to cause such vehicle to reasonably appear to have been abandoned or otherwise left unattended.

(Ord. Passed 11/26/13)

**§ 130.08 SIMPLE ASSAULT**

A person commits the offense of simple assault when he or she either:

- (A) Attempts to commit a violent injury to the person of another; or
- (B) Commits an act which places another in reasonable apprehension of immediately receiving a violent injury.

(Ord. Passed 11/26/13)

**§ 130.09 SIMPLE BATTERY**

A person commits the offense of simple battery when he or she either:

- (A) Intentionally makes physical contact of an insulting or provoking nature with the person of another; or
- (B) Intentionally causes physical harm to another.

(Ord. Passed 11/26/13)

**§ 130.10 CRIMINAL TRESPASS**

- (A) A person commits the offense of criminal trespass when he or she intentionally damages any property of another without consent of that other person and the damage thereto is

\$500.00 or less or knowingly and maliciously interferes with the possession or use of the property of another person without consent of that person.

- (B) A person commits the offense of criminal trespass when he or she knowingly and without authority:
- (1) Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person for an unlawful purpose;
  - (2) Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person after receiving, prior to such entry, notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of the owner or rightful occupant that such entry is forbidden; or
  - (3) Remains upon the land or premises of another person or within the vehicle, railroad, car, aircraft, or watercraft of another person after receiving notice from the owner, rightful occupant, or upon proper identification, an authorized representative of the owner or rightful occupant to depart.
- (C) For the purposes of subsection (B) of this section, permission to enter or invitation to enter given by a minor who is or is not present on or in the property of the minor's parent or guardian is not sufficient to allow lawful entry of another person upon the land, premises, vehicle, railroad car, aircraft, or watercraft owned or rightfully occupied by such minor's parent or guardian if such parent or guardian has previously given notice that such entry is forbidden or notice to depart.
- (D) A person commits the offense of criminal trespass when he or she intentionally defaces, mutilates, or defiles any grave marker, monument, or memorial to one or more deceased person(s) who served in the military service of this state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof, or a monument, plaque, marker, or memorial which is dedicated to, honors, or recounts the military service of any past or present military personnel of this state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof if such grave marker, monument, memorial, plaque, or marker is privately owned or located on land which is privately owned.

(Ord. Passed 11/26/13)

**§ 130.11 MISDEMEANOR SHOPLIFTING, THEFT AND THEFT OF SERVICES**

- (A) It shall be unlawful for any person, either alone or in concert with another or others, to appropriate any merchandise or item from any establishment, building or residence that has a value of less than \$500.00, without first paying for the merchandise/item; or, to otherwise deprive the owner of said merchandise/item without having first paid the value for said merchandise/item. It shall be further unlawful for any person to alter the sales price for any merchandise or item with the intention of obtaining said merchandise/item for less than the listed sales price.
- (B) It shall be further unlawful for any person to obtain services, accommodations, entertainment, the use of personal property, or utilities through deception or with the intent to avoid payment for said service(s) that is/are of a value of less than \$500.00.

(Ord. Passed 11/26/13)

**§ 130.12 FALSE REPORTS OF CRIMES AND FALSE ALARMS**

It shall be unlawful for any person to file or make any false, misleading or unfounded statement or report alleging the commission of any crime or violation or the occurrence of any emergency.

(Ord. Passed 11/26/13)

**§ 130.13 OBSTRUCTION OF LAW ENFORCEMENT**

It shall be unlawful for any person to obstruct, hinder or interfere with the lawful discharge of the duties of law enforcement. Such obstruction, hindrance or interference shall include the giving of false or misleading information to law enforcement including but not limited to the giving of a false name, address or date of birth.

(Ord. Passed 11/26/13)

**§ 130.14 PERMITTING OR CONTRIBUTING TO THE DELINQUENCY OF MINORS**

It shall be unlawful for any person to permit, counsel, advise, encourage or assist any minor under the age of eighteen (18) to be or become delinquent, loiter, or engage in any illegal or unlawful activity including the purchase or possession of alcohol or drugs.

(Ord. Passed 11/26/13)

**§ 130.15 CURFEW FOR MINORS AND EXCEPTIONS**

It shall be unlawful for any minor under the age of 18 years to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, public places of amusement, public eating places, vacant lots, or any other place unsupervised by an adult having the lawful authority to be at such places, between the hours of 11:00 p.m. on any day and 6:00 a.m. of the following day, provided, however, that on Friday's and Saturdays the curfew hours shall be between 12:00 midnight and 6:00 a.m. of the following day; except, for the following:

Exceptions/Exemptions to the hours of curfew set forth in this section shall include;

- (A) When a minor is accompanied by his or her parent, guardian, or other adult having the lawful care and custody of the minor;
- (B) When the minor is assisting with an emergency at the direction of a parent or guardian or other adult having the lawful care and custody of said minor;
- (C) When the minor is in the process of returning directly home from lawful employment; returning home from school functions or extracurricular activities, including but not limited to, sporting events, band activities and dances; or returning home from other activities involving the exercise of first amendment rights or any other fundamental rights such as events related religious organization; or
- (D) When the minor is in a motor vehicle with parental consent for travel purposes, including interstate travel, that involves travel through Pike County, Georgia.

It shall be considered a violation of this curfew section for the parent, guardian, or other person having custody or control of any minor under the age of 18 years to permit, directly or indirectly, or otherwise allow (including by virtue of insufficient supervision and control) such minor to be in violation of this section.

(Ord. Passed 11/26/13)

**§130.16 PENALTIES**

Sections 130.01-130.15 above are considered county ordinances and violations of said ordinances are deemed misdemeanor violations. The penalties for any such violation shall be in accordance with OCGA §15-10-60 as presently enacted, or as may hereafter be revised, as follows: The punishment imposed for any ordinance violation shall not exceed a fine of \$1,000.00 or six months' imprisonment, or both, provided the judge shall probate not less than

120 days of any sentence imposed, except as otherwise provided by general law. In the event a sentence is revoked, a defendant shall not serve more than 60 days in the county jail.  
(Ord. Passed 11-26-13)