Chapter 14

OFFENSES AND MISCELLANEOUS PROVISIONS.

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ARTICLE I. IN GENERAL.

Section 14.1 Vandalism of Street Signs, Light Meters and Other City Property; Fine.

Anyone destroying, tampering with, stealing or obliterating city property such as street signs, light meters, water meters, gas meters, safety equipment, etc., shall be guilty of a misdemeanor.

Section 14.2 Fireworks.

a. It shall be unlawful for any person to shoot, fire or otherwise explode any firecrackers, cannon crackers, Roman candles, sky rockets or fireworks of any description, or any caps, torpedoes or cap pistols; or for any person to sell, offer for sale or give away any of such prohibited firecrackers, cannon crackers, Roman candles, sky rockets, caps, torpedoes or cap pistols in the city. This provision shall not apply to professional fireworks demonstrations approved by the city clerk.

b. As used in this section, the term "fireworks" shall not include:

1. Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models; toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap; nor toy pistols, toy cannons, toy canes, toy guns, or other devices which use such paper caps; nor shall the term "fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and

2. Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 200 grams or less for multiple tubes; snake and glow worms; trick noise makers which include paper streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Section 14.3 Disorderly Conduct.

a. Any person committing one or more of the following acts within the corporate limits of the City of Blakely shall be guilty of disorderly conduct:

1. Fighting or quarreling in such manner and in such place as to annoy or disturb the peace, quiet, comfort, or repose of persons in any office or any dwelling, hotel, or other type residence, or of any persons in the vicinity.

2. Using any indecent, vulgar, obscene, threatening, or abusive language in or near a public place which has a direct tendency to cause acts of violence by the person to whom or of whom the remarks are addressed, even where such language does not have the actual effect of inciting such violent acts.

3. Yelling, shouting, singing, chanting, or making any other loud noise by any means whatsoever, whether by voice, handclapping, stomping, or by mechanical means, on the public streets or other public property or in proximity thereto in such manner and to such extent as to annoy or disturb the peace, quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type residence, or of any persons in the vicinity.

4. Striking or attempting to strike another.

b. It shall be unlawful for any person to be disorderly while intoxicated on the streets, sidewalks, or other public places within the corporate limits of the City. The following are declared to be guilty of violating this section:

1. Any person who while under the influence of alcohol or drugs accosts or forces his company upon another person.

2. Any person who while under the influence of alcohol or other drugs shall defecate or urinate on the streets or sidewalks, or in the halls or elevators of public or commercial buildings, or on any property open to public view in the City.

3. Any person who while under the influence of alcohol or other drugs shall act in a violent or tumultuous manner toward another so as to endanger the life,

limb, health, or property of another, or place any person in fear of immediate danger;

4. Any person who while under the influence of alcohol or other drugs shall be loud or boisterous or use profane language or panhandle and who shall refuse to remove himself from the public streets, sidewalks, any other public way or house of commerce or worship, or public conveyances, public halls, theaters, or other public places, when ordered to do so by the police or other lawful authority;

Upon finding of guilt for violation of this section, the offender shall be subject to imprisonment for a term not to exceed six months or a fine not to exceed $1,000, or both, any of the penalties to be in the discretion of the judge. Such punishment may be probated by the magistrate for those offenders desiring to participate in a detoxification or drug rehabilitation program.

Any police or other law enforcement officer, in lieu of incarcerating an intoxicated person for a violation of subsection (c) hereof, may take or send the individual under the influence of alcohol or drugs to such person's home or to a treatment facility. Any such officer so acting shall be deemed to have performed his official duty. Such officer need not formally render charges against the individual prior to taking or sending him to a treatment facility.

c. Any police officer or other law enforcement officer who acts in compliance with this ordinance is hereby declared to be acting in the course of official duty and is not criminally or civilly liable to any person therefor.

d. Nothing in this ordinance shall be deemed to excuse or justify any other crime simply because the perpetrator is intoxicated. Nothing in this ordinance shall repeal, annul, or otherwise affect any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, or other equipment, or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages at stated times and places or by a particular class of persons or any other criminal act.

Section 14.4 Loitering – Defined.

The word "loiter" when used in Section 14.8 shall mean to remain on the property of another, either public or private, in an idle or apparently idle manner; to hang around aimlessly or as if aimlessly to spend time idly without apparent reason or cause on such property; to stay around without real necessity; to lag behind in an idle manner.

Section 14.5 Same –Prohibited.

a. It shall be unlawful for any person, after first being warned by a police officer, to be in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property

in the vicinity.

b. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

c. As provided by the City of Blakely Code of Ordinances, violation of this ordinance shall subject an individual to a fine not to exceed $1,000 or imprisonment not to exceed six months, or both."

Section 14.6 Camping.

No person shall camp on the streets, square or any other public place of the city.

Section 14.7 Begging.

No person shall solicit alms on any streets in the city, or beg, or ask for any financial aid, or in any other way or manner seek financial assistance through the asking of charity; provided, however, that this section shall not apply to religious, benevolent or charitable organizations.

Section 14.8 Discharging Weapons; Exceptions.

No person shall without legal authority or justification, fire any gun, pistol or any firearms, including .22 rifle, or air rifle, or shoot any slingshot within the limits of the city, but for two exceptions, which are:

a. Shotguns may be discharged and bird hunting and deer hunting are allowed in agriculture zones within the city limits, as long as such firing of shotguns is a minimum of 500 yards from a residence in the city.

b. Deer hunting from deer stands, and deer stands only, with rifles, is allowed in the following designated land lots in the city:

1. Land lots 73 through 78.
2. Land lots 83 through 87.
3. Land lots 114 through 118.

Section 14.9 Curfew for Minors.

a. For the purpose of this section, the following definition shall apply: "public place" means any street, highway, alley or right-of-way, to include sidewalks, any park, playground, mall, or other place of water or watercourse; any privately or publicly owned place of amusement, entertainment or public accommodation including parking lots, and other areas adjacent thereto; and any vacant lot or land.

b. 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, places of amusement, eating places, vacant lots, or any 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 Fridays and Saturdays the effective hours are between 12:00 midnight and 6:00 a.m. of the following day; and provided further that the provisions of this section shall not apply in the following instances:

1. When a minor is accompanied by his/her parent, guardian, or other adult person 21 years of age or older having the lawful care and custody of the minor;

2. When the minor is upon an emergency errand directed by his/her parent, guardian, or other adult person 21 years of age or older having the lawful care and custody of the minor;

3. When the minor is returning directly home from lawful employment that makes it necessary to be in the above referenced places during the prescribed period of time.

4. When the minor is attending or traveling directly to or from an activity involving the exercise of the First Amendment rights of free speech, freedom of assembly, or free exercise or religion;

5. When the minor is in a motor vehicle with parental consent for normal travel with interstate and intrastate travel through the city being excepted in all cases from this section;

c. It shall be unlawful for the parent, guardian, or other person having custody or control of any child under the age of 18 years to permit, or by insufficient control, to allow such child to be in or upon the public streets or any other places listed in subsection (b) above within the city between the hours of 11:00 p.m. on any day and 6:00 a.m. the following day, or on Fridays or Saturdays between the hours of 12:00 midnight and 6:00 a.m. the following day except in circumstances set out in subsections (1) - (4) of said subsection (b). A person charged with violation of this section for the first time shall be charged with such violation and, if found guilty, such person

shall be subject to punishment as provided in Section 1-7 of the Code of Ordinances of the City of Blakely, Georgia.

Section 14.10 Prohibited Noises Specified.

a. The creating of any unreasonably loud, disturbing, and unnecessary noise within the limits of the county is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited. In addition, at any time between 9:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. to 7:00 a.m. Friday and Saturday night it shall be deemed a violation of this section if any noise regulated or prohibited under the provisions of this section is easily audible in another home, residence, apartment or building in which the usual openings such as windows and doors are closed. The person causing the noise, or the owner, lessee or other person in control of the property from which the noise is enabling shall be deemed to be in violation of this section.

b. The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this section, but this enumeration shall be deemed to be exclusive, namely:

1. *Horns.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, while not in motion except as a danger signal if another vehicle is approaching apparently out of control, or, if in motion, only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound or the sounding of such device for an unnecessary or unreasonable period of time.

2. *Musical instruments*. The playing of any radio, CD tape player or any musical instrument in such a manner or with such volume, as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel/motel or other type of residence, or any persons in the vicinity, except this section shall not apply to school band music between the hours of 7:00 a.m. and 10:00 p.m.

3. *Voices.* Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel/motel or other type of residence, or any persons in the vicinity. The provisions of this section shall also apply to voices or other noise originating within a building or residence and to noise produced by animals such as dogs, cats or others, whether housed in a building or an open enclosure, and if the noise continues steadily or intermittently during a period in excess of ten minutes in any one day or night. In the case of animals, the owner or person in immediate control of the property on which the animal is housed shall be deemed responsible. In the case of noise emanating from a

residence or apartment, the owner, lessee, renter or other person deemed to be in immediate control of the home, apartment or building shall be deemed to be responsible. It shall be deemed a violation of this section if the noise, caused by persons or animals is readily audibly in any nearby home, apartment, building or other structure when its natural openings such as doors and windows are closed.

4. *Noisy vehicles.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding or rattling or other noise.

5. *Exhausts.* To discharge into the open air the exhaust of any stationary steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

Sections 14.11 - 14.15 Reserved.